

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

OP(C).No. 2602 of 2015 (O)

**(AGAINST THE ORDER DATED 12.10.2015 IN EP.NO.227/2012 IN OS.NO.284/1989,
ADDITIONAL SUB COURT, KOTTAYAM)**

PETITIONER(S):

**KUNJAMMA AGED 74 YEARS
D/O.MYLAN, THAKADIPURAYIDATHIL HOUSE, PALLICKACHIRA PO
PAIPPADU KARA, THRIKODITHANAM VILLAGE
CHANGANASSERY TALUK.**

**BY ADVS.SRI.DINESH R.SHENOY
SMT.K.K.JYOTHILAKSHMY
SRI.SANIL JOSE**

RESPONDENT(S):

- 1. MUHAMMED KUNJU NABEEZATH
W/O.MUHAMMED KUNJU, THEKKEKARA HOUSE
EAST MUTHOOR KARA, THIRUVALLA VILLAGE
THIRUVALLA 689 101.**
- 2. MUHAMMED KUNJU
THEKKEKARA HOUSE, EAST MUTHOOR KARA
THIRUVALLA VILLAGE, THIRUVALLA 689 101.**
- 3. KUNJAPPAN GOPI
S/O.KUNJAPPAN, THAKIDIPPURATHU HOUE
PALLICKACHIRA POST, PAIPPADU KARA
THRIKODITHANAM VILLAGE, CHANGANASSERY TALUK 686 105.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT.P1- TRUE PHOTOCOPY OF ORDER DATED 27.9.2013 IN IA NO.702/2013 IN OS NO.54/2012, MUNSIFF COURT, CHANGANACHERY

EXHIBIT.P2- TRUE PHOTOCOPY OF JUDGMENT DATED 20.7.2015 IN EX. SA.NO.13/2015 , HIGH COURT OF KERALA

EXHIBIT.P3- TRUE PHOTOCOPY OF OBSTRUCTION PETITION, EA NO.305/2015 IN EP NO.227/2012 IN OS NO.284/1989, ADDITIONAL SUB COURT, KOTTAYAM.

EXHIBIT.P3(A)- TRUE PHOTOCOPY OF THE PETITION SCHEDULE IN EA NO.305/2015 IN EP NO.227/2012 IN OS NO.284/1989, ADDITIONAL SUB COURT, KOTTAYAM.

EXHIBIT.P4- TRUE PHOTOCOPY OF THE STAY PETITION IN EA NO.305/2015 IN EP NO.227/2012 IN OS NO.284/1989, ADDITIONAL SUB COURT, KOTTAYAM.

EXHIBIT.P5- TRUE PHOTOCOPY OF THE COMMISSION APPLICATION IN EA NO.305/2015 IN EP NO.227/2012 IN OS NO.284/1989, ADDITIONAL SUB COURT, KOTTAYAM.

EXHIBIT.P6- TRUE TYPE COPY OF THE ORDER DATED 12.10.2015 IN EP NO.227/2012 IN OS NO.284/1989, ADDITIONAL SUB COURT, KOTTAYAM.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//True Copy//

PA to Judge

K.ABRAHAM MATHEW, J

O.P.(C).NO.2602 OF 2015

Dated this the 29th day of October 2015

J U D G M E N T

Respondents 1 and 2 are decree holders in OS.284 of 1989 of Sub Court, Kottayam. The decree is for specific performance of an agreement for sale. In EP.227 of 2012 they prayed for delivery of the property. The petitioner filed Ext.P3 EA.305 of 2015 under Order 21 Rule 97 of CPC. The complaint is that without disposing it of the learned Sub Judge has posted the EP for delivery of the property.

2. Heard.

3. I think on facts of the case it is sufficient that a direction is issued to the learned Sub Judge to dispose of EA.305 of 2015 before delivery is effected.

In the result, this O.P is disposed of with a direction to the learned Sub Judge to dispose of Ext.P3 application before the delivery is effected if it has so far not been disposed of.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge