

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

OP(C).No. 2638 of 2015 (O)

PETITIONER/JUDGMENT DEBTOR IN EP 265/2010:

**EDWARD JOSEPH AGED 55 YEARS
S/O JOSEPH, KUNNAKKASSERIL HOUSE
PERUMPILLY NAGAR, KOCHI-363**

**BY ADVS.SRIP.S.SUJETH
SRI.NIXON PAUL**

RESPONDENT/RESPONDENT IN EP 265/2010:

**K.G.JOSSEY
S/O GEORGE, KADAVIL PARAMBIL,
AROORKARA, AROOR VILLAGE
CHERTHALA TALUK, ALAPPUZHA - 688 001**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 02-11-2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

O.P.(CIVIL)NO.2638/2015

APPENDIX

PETITIONERS' EXHIBITS:

- P1: COPY OF THE OBJECTION IN EP 265/2010 BEFORE THE SUB COURT,
ERNAKULAM
- P2: COPY OF THE ORDER IN EP 265/2010 IN EP 265/2010 BEFORE SUB COURT
ERNAKULAM
- P3: COPY OF THE SALE NOTICE DATED 16.10.2015

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

JV

K. ABRAHAM MATHEW, J.

O.P.(C). No. 2638 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

Petitioner is the Judgment Debtor in O.S. No. 569/01 of Principal Sub Court, Ernakulam. The respondent decree holder has filed EP No.265/2010. In execution of the decree, the property of the petitioner is sought to be sold. He filed an objection to the execution petition, which has been overruled by Ext.P2 order. His case is that he has only an undivided share in the property and it cannot be sold unless partition is effected.

2. Heard.

3. There is no legal impediment for selling the undivided share of a judgment debtor. After the sale the court will effect symbolic delivery of the property. The petitioner has no ground to object the sale of the property. I do not find any reason to grant the prayer of

the petitioner to set aside Ext.P2 order by which the learned Sub Judge overruled the objection.

In the result, this original petition is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

ww/03/11/2015