

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

OP(C).No. 2674 of 2015 (O)

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(IN IA.NO.11929/2015 IN IA.NO.7768/2014 IN OS.NO.2159/2014 PENDING BEFORE
THE HON'BLE MUNSIF COURT, THRISSUR)**

PETITIONER(S):

**GISHA SUDHEESH AGED 31 YEARS
CHERATTIL HOUSE, ELAMTHURUTHY, MARATHAKKARA
THRISSUR DISTRICT.**

**BY ADVS.SRI.LINDONS C.DAVIS
SMT.E.U.DHANYA**

RESPONDENT(S):

- 1. JOHNSON ALAPPATT
CHAIRMAN, TRICHUR MONARCH CHIT FUND LTD, ADAM BAZZAR
THRISSUR - 680 001.**
- 2. NOUSHAD
S/O. BAVA, KOTTATIL HOUSE, KALATHODE DESOM
OLLUKKARA VILLAGE, THRISSUR TALUK - 680 655.**
- 3. ABDUL KALAM
S/O. PALYAMKODU VELLAPPA RAVUTHER, PALAYAMKODE HOUSE
KALATHODE DESOM, OLLUKKARA VILLAGE
THRISSUR TALUK - 680 655.**
- 4. K.M.ASHI
W/O. MUAMADALI, KAYYUMPARAMBIL HOUSE
KRISHNAPURAM DESOM, OLLUKKARA VILLAGE
THRISSUR TALUK - 680 655.**
- 5. FAISAL M.K
S/O. KUNJU MUHAMAD, MATHILAKATHU HOUSE
CHAMAKALA DESOM, EDAMUTTAM VILLAGE
CHAVAKKAD TALUK - 680 655.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 06-11-2015
ALONG WITH OP(C)NOS.2675/2015 AND 2676/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT.P1 - TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY THE
SUB REGISTRAR OFFICER, OLLUKKARA.**

**EXHIBIT.P2 - TRUE COPY OF THE PLAINT IN OS NO. 2159/2014 PENDING
BEFORE THE HON'BLE MUNSIFF COURT, THRISSUR.**

**EXHIBIT.P3 - TRUE COPY OF THE CLAIM PETITION FILED BY THE PETITIONER
AS IA NO. 11929/2015 IN IA NO. 7768/2014 IN OS NO. 2159/2014.**

**EXHIBIT.P4 - TRUE COPY COUNTER AFFIDAVIT TO THE IA NO. 11929/2015 IN IA
NO. 7768/2014 IN OS NO. 2159/2014.**

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//True Copy//

PA to Judge

K.ABRAHAM MATHEW, J

**O.P.(C).NOs.2674 OF 2015, 2675 of 2015
and 2676 of 2015**

Dated this the 6th day of November, 2015

J U D G M E N T

The first respondent is the plaintiff and the other respondents are the defendants in OS.2159 of 2014, 2190 of 2014 and 2259 of 2014. The suit is for recovery of money. The first respondent has obtained an order of attachment under Order 38 Rule 5 CPC. The petitioner filed a claim petition on the allegation that she is the owner of the property. The complaint is that the revenue officers refused to receive basic tax. So the prayer is to direct the learned Munsiff to dispose of Ext.P3 claim petition without delay.

2. Heard.

3. I do not understand why the revenue officers refused to receive tax, which has nothing to do with the attachment of the property. The revenue officer is bound to receive tax for the property. At best he can note in the receipt that the property is under attachment. Having regard to the facts of the case I am inclined to grant the prayer of the petitioner.

In the result, these OPs are allowed. The learned Munsiff is directed to dispose of Ext.P3 claim petition within one month from the date of receipt or production of a copy of this judgment.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge