

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

OP(C).No. 2888 of 2015 (O)

EP.NO.32/2011 IN OS.NO.52/1999 OF SUB COURT, THODUPUZHA.
.....

PETITIONER(S):

1. K.S. RAJESH, S/O. SIVARAMAN NAIR,
AGED 32 YEARS, PARAYAKKUNNEL HOUSE,
PADINJAREKODIKULAM, THODUPUZHA.
2. K.S.RAMESH, S/O. SIVARAMAN NAIR,
AGED 26 YEARS, PARAYAKKUNNEL HOUSE,
PADINJAREKODIKULAM, THODUPUZHA.

**BY ADVS.SRI.D.NARENDRANATH
SRI.M.HARISHARMA**

RESPONDENT(S):

1. P.P. GEORGE, S/O. PAILY, PALLIKUNNEL HOUSE,
THENNATHUR KARA, KODIKKULAM VILLAGE,
THODUPUZHA TALUK, PIN - 685 584..
2. SIVARAMAN NAIR, S/O. RAMAN NAIR,
PARAYAKKUNNEL HOUSE,
PADINJAREKODIKULAM, THODUPUZHA, PIN - 685 584.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 30-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP(C).No. 2888 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1- TRUE COPY OF THE UNNUMBERED RSA FILED ON 18-11-2015 BEFORE
THIS HONOURABLE COURT.**

**EXHIBIT P2- TRUE COPY OF THE UNNUMBERED PETITION TO CONDONE DELAY IN
FILING THE R.S.A.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

O.P.(C)No.2888 of 2015

Dated this the 30th day of November, 2015

J U D G M E N T

The First respondent has obtained a decree against the second respondent. The property of the latter was sold to the petitioners. On the basis of the sale deed they filed a claim petition in execution proceedings. It was dismissed. Now the matter is pending in the second appeal. The prayer in this OP is to stay the further proceedings in the execution petition.

2. Heard.

3. It is submitted that there has been delay in filing the second appeal and so the petitioners have not been able to get an order of stay in the second appeal and that is why this OP has been filed. It is not proper for the High Court to invoke Article 227 of the Constitution to grant stay of execution proceedings when an appeal is pending. So I am not inclined to grant the prayer of the petitioner.

In the result this OP is dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**