

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

OP(C).No. 1840 of 2014 (O)

**AGAINST THE ORDER DATED 20/8/2013 IN EA NO. 438/12 IN EP 669/03 IN OS 1335/1994
OF II ADDL.SUB COURT,THRISSUR DATED 20-08-2013**

PETITIONER :

**TONY
S/O.KIDANGAN PAULOSE, ENAMAKKAL DESOM
IRIMBANELLUR VILLAGE, CHAVAKKAD TALUK
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER BABY
S/O.KIDANGAN PAULOSE, ENAMAKKAL DESOM
IRIMBANELLUR VILLAGE, CHAVAKKAD TALUK.**

BY ADV. SRI.C.A.ANOOP

RESPONDENT(S) :

- 1. SOUHARDHA KURIES AND LOANS PVT. LIMITED
REPRESENTED BY CHAIRMAN K.C.DEVASSY
S/O.KANJIRATHINGAL LONAPPAN, ERANALLUR VILLAGE
THALAPPILLY DESOM – 680 501.**
- 2. ELSY
W/O.KIDANGAN POULOSE, ENAMAKKAL DESOM
IRIMBANELLUR VILLAGE, CHAVAKKAD TALUK- 680 510.**
- 3. JOSEKUTTAN
S/O.ELSY, ENAMAKKAL DESOM, IRIMBANELLUR VILLAGE
CHAVAKKAD TALUK - 680 510.**
- 4. BABU
S/O.ELSY, ENAMAKKAL DESOM, IRIMBANELLUR VILLAGE
CHAVAKKAD TALUK - 680 510.**
- 5. DARLY
D/O..ELSY, ENAMAKKAL DESOM, IRIMBANELLUR VILLAGE
CHAVAKKAD TALUK - 680 510**
- 6. SHAJU
S/O.ELSY, ENAMAKKAL DESOM, IRIMBANELLUR VILLAGE
CHAVAKKAD TALUK - 680 510**

R1 BY ADV. SRI.DILIP J. AKKARA

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

OP(C).No. 1840 of 2014 (O)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 COPY OF THE DECREE IN OS NO. 1335/1994 DATED 25/8/1998.

EXHIBIT P2 COPY OF THE JUDGMENT IN AS NO.194/2000 DATED 5/3/2003.

EXHIBIT P2(a) COPY OF THE DECREE IN AS NO. 194/2000 DATED 5/3/2003.

**EXHIBIT P3 COPY OF THE EXECUTION PETITION VIDE EP NO.669/03 DATED
10/11/2003.**

**EXHIBIT P4 COPY OF THE PETITION FOR APPOINTING AN AMEEN DATED
19/3/2012.**

EXHIBIT P5 COPY OF THE DELIVERY NOTE DATED 29/8/2013.

**EXHIBIT P6 COPY OF THE ORDER IN EA NO.438/12 IN EP 669/03 IN OS NO.1335/94
DATED 20/8/13.**

RESPONDENT(S)' EXHIBITS :

**EXT. R1(a) PHOTOCOPY OF THE COUNTER DATED 25-8-05 FILED BY PETITIONER
AND HIS POWER OF ATTORNEY HOLDER IN E.P.669/03.**

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
O.P.(C) No.1840 of 2014
.....

Dated this the 19th day of June, 2015

J U D G M E N T

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Both sides submit that the legal representatives of deceased 2nd respondent are there in the party array and, therefore, any further step is not required in the matter. Service on the 3rd respondent is declared as complete.

2. The plaint in execution is under challenge. It seems that earlier, in execution of the decree, an extent of 20 cents of property was sought to be sold. The same was challenged before this Court by the petitioner in C.R.P. No.2785/2001. Vide order dated 15.01.2002, this Court has ordered the sale of 10 cents of property out of it in execution of the decree. Based on the orders of this Court, the said sale was conducted on 07.04.2011. Sale was confirmed and later, delivery was effected.

3. Heard learned counsel for the petitioner and

learned counsel for the respondent.

4. This Court does not find any illegality, irregularity or jurisdictional error in the delivery proceedings. Matters being so, this OP(Civil) is liable to be dismissed.

In the result, this OP(Civil) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/19/06

// True Copy //

PA to Judge