

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

OP(C).No. 3060 of 2015 (O)

A.S.NO.132/2012 OF 5TH ADDITIONAL DISTRICT COURT, ERNAKULAM

PETITIONER(S) :

**K.G.NARAYANA PAI, AGED 70 YEARS,
S/O.GOVINDA PAI, HOUSE NO.32/1989-A, NETHAJI ROAD,
PADIVATTOM DESOM, PALARIVATTOM.**

**BY ADVS.SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL**

RESPONDENT(S) :

**K.N.VENKITESWARA PAI, AGED 83 YEARS,
S/O.K.NARAYANA PAI, GOPALA PRABHU ROAD,
ERNAKULAM - 682 035.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 15-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 3060 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: COPY OF THE PLAINT O.S.NO.981/2009 OF THE MUNSIFF'S COURT, ERNAKULAM.**
- P2: COPY OF WRITTEN STATEMENT FILED BY THE DEFENDANT IN O.S.NO.981/2009 OF THE MUNSIFF'S COURT, ERNAKULAM.**
- P3: COPY OF JUDGMENT DATED 08.03.2012 IN O.S.NO.981/2009 OF THE MUNSIFF'S COURT, ERNAKULAM.**
- P4: COPY OF MEMORANDUM OF APPEAL A.S.NO.132/2012 OF DISTRICT COURT, ERNAKULAM.**
- P5: COPY OF EXECUTION PETITION NO.16/2015 IN O.S.NO.981/2009 OF MUNSIFF'S COURT, ERNAKULAM.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

K.ABRAHAM MATHEW J.

O.P.(C)No.3060 of 2015

Dated this the 15th day of December, 2015

JUDGMENT

Petitioner was the defendant in O.S.No.981 of 2009 of Prl Munsiff Court, Ernakulam. The decree was challenged in A.S.No.132 of 2012. It has been dismissed. The prayer in this Original Petition is to issue a direction to the appellate court to issue a carbon copy of the judgment and decree and stay the proceedings in the execution petition so that the petitioner may obtain appropriate relief by filing a second appeal.

2. Heard.

3. I do not find any reason to deny the first relief. But the second relief cannot be granted in this proceedings.

In the result, this Original Petition is disposed of with a direction to the appellate court to issue a certified copy of the judgment and decree in A.S.No.132 of 2012 in accordance with law.

Sd/-

**K.ABRAHAM MATHEW
JUDGE**

cms

/True copy/

P.S.to Judge