

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

OP(C).No. 2050 of 2014 (O)

E.A. NO. 144/2013 IN E.P NO. 19/2009 IN OS.NO. 264/2002 OF PRINCIPAL SUB COURT,
KOLLAM

PETITIONER/DEFENDANT IN O.S/JUDGMENT DEBTOR IN E.P. :

VASANTHAKUMARI, AGED 50,
W/O.VIJAYAN, VINAYAKAM, VELLIMON P.O.,
EDAVATTOM, PERINADU VILLAGE
KOLLAM DISTRICT, VAIKKOM TALUK
KOTTAYAM DISTRICT.

BY ADVS.SRI.R.SURAJ KUMAR
SRI.SUNIL J.CHAKKALACKAL
SRI.SAJITH C.GEORGE
SMT.V.BEENA

RESPONDENT/PLAINTIFF IN O.S/DECREE HOLDER ON E.P. :

GANGADEVI, AGED 54 ,
W/O.GOPLALAKRISHNAN, GOKUL
VADAKKEVILA, KOLLAM – 691 001.

BY ADV. SRI.B.MOHANLAL

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 12-02-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 2050 of 2014 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 COPY OF THE JUDGMENT DATED 26.08.2006 IN O.S.264/2002 ON THE
FILE OF THE SUBORDINATE JUDGE'S COURT, KOLLAM.
- EXT.P2 COPY OF THE SALE PROCLAMATION DATED 06.05.2013.
- EXT.P3 COPY OF THE E.A. NO.144/2014 DATED 28-05-2013.
- EXT.P4 COPY OF THE REPORT DATED 30.05.2014 EVIDENCING THE SALE AND
CONFIRMATION OF THE DECREE SCHEDULE PROPERTY.
- EXT.P5 COPY OF THE ORDER DATED 31.07.2013 IN E.A.144/2013 IN E.P.19/2009
IN O.S.264/2002 ON THE FILE OF THE SUBORDINATE JUDGE'S COURT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.BHAVADASAN, J.

O.P.(C) No. 2050 of 2014

Dated this the 12th day of February, 2015

J U D G M E N T

From the impugned order, it is seen that the petitioner had taken objections to the very sale itself. At that time, the petition was deferred for consideration after confirmation of sale. Later, that petition was dismissed on the ground that sale has already been held and that the petition has become infructuous.

2. When objection was taken to the sale, necessarily that petition had to be considered. It was without considering the said petition that the sale was held. The sale cannot be supported in law.

This petition is allowed and the sale held is set aside and the matter is remanded to the execution court to consider the objections filed by the petitioner regarding the sale and dispose of the matter in accordance with law, as expeditiously as possible, at any rate, within a period of two

months from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge