

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP(C).No. 2141 of 2014 (O)

**AS 12/2014 OF ADDITIONAL DISTRICT COURT-I,MAVELIKKARA
AGAINST THE JUDGMENT IN OS 477/2005 of MUNSIFF COURT,KAYAMKULAM**

PETITIONER/3RD DEFENDANT:

**KUNJU MUHAMMED KUNJU @ SHOUKATH, AGED 38 YEARS
RESIDING AT KOLTHACHAN MURIYIL VEEDU, ERUVA MURI
PATHIYOOR VILLAGE.**

**BY ADVS.SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN**

RESPONDENT/PLAINTIFF:

**KAHIJATH
W/O. HUSSAIN, RESIDING AT KOLATHACHAN MURIYIL VEEDU
ERUVA MURI, PATHIYOOR VILLAGE
FROM KOCHAYYATH PUTHEN VEEDU, PERINGALA MURI
KAYAMKULAM VILLAGE-690502.**

**BY ADVS. SRI.RINNY STEPHEN CHAMAPARAMPIL
SMT.ASHA ELIZABETH MATHEW**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 26-02-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(C).No. 2141 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE COPY APPLICATION MADE BY THE PETITIONER DATED 26/6/2013.
- EXHIBIT P2- TRUE COPY OF THE EXECUTION PETITION FILED BY THE RESPONDENT BEFORE THE MUNSIF COURT, KAYAMKULAM DT. 13-1-14.
- EXHIBIT P3- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE ADDL. DISTRICT COURT, MAVELIKARA.
- EXHIBIT P4- TRUE COPY OF THE DELAY CONDONATION PETITION FILED BY THE PETITIONER IN 12/2014 BEFORE THE ADDL. DISTRICT COURT MAVELIKARA 30-1-14.
- EXHIBIT P5- TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER IN AS NO. 12/2014 BEFORE THE ADDL. DISTRICT COURT MAVELIKARA 30-1-14.
- EXHIBIT P6- TRUE COPY OF THE RELEVANT EXTRACT OF THE A REGISTER.
- EXHIBIT P7- TRUE COPY OF EA NO. 119/2014 IN EP NO. 8/2014 IN WA NO. 477/2005 FILED BEFORE THE MUNSIF'S COURT KAYAMKULAM 16-9-14.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

O.P.(C) No. 2141 of 2014

Dated this the 26th day of February, 2015

J U D G M E N T

The only prayer made by the petitioner in this original petition is for direction to the court below to take up the delay condonation petition and dispose it of on merits as expeditiously as possible.

2. The petitioner suffered a decree and the decree was put in execution and appeal has been filed. The appeal was admittedly filed out of time. There was a delay of 185 days in filing the appeal. In the affidavit, the petitioner has stated the reason as to how the delay happened. Any how, the matter is pending before the lower appellate court.

3. The only prayer made by the petitioner now is for a direction to dispose of Ext.P4, delay condonation petition and till that time, to keep the execution proceedings in abeyance.

This petition is disposed of directing the court below to take up Ext.P4, delay condonation petition in appeal ie. A.S.No.12/2014 pending before the Additional District Court, Mavelikkara and dispose it of as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Till then, execution proceedings shall be kept in abeyance.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge