

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

OP(C).NO. 2254 OF 2014 (O)

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E.P. NO.341/2012 IN AP.NO.798/2011 OF WAKF TRIBUNAL, KOZHIKODE.
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PETITIONER(S):

**VANAJAKSHI, AGED 73 YEARS,
W/O.SREEDHARAN NAIR, SARATHI HOUSE,
WEST HILL POST, KOZHIKODE-673 005.**

**BY ADVS.SRI.S.K.PREMJITH MENON,
SMT.MANEKSHA,
SRI.SIVARAM.**

RESPONDENT(S):

**MUTHOOT VEHICLE AND ASSET FINANCE LTD.
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER RAGESH,
S/O.PRAKASHAN, NOBLE BUILDING, MAVOOR ROAD,
KOZHIKODE-673 001.**

BY ADV. SRI.C.S.MANILAL.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1. EXECUTION PETITION FILED BY THE RESPONDENT BEFORE THE HONOURABLE WAKF TRIBUNAL (IIRD ADDL. DISTRICT AND SESSIONS COURT), KOZHIKODE. RECEIPT DTD. 09/07/2010 FIXED DEPOSIT REMITTED BY PETITIONER FOR RS.4,07,500/-.
- EXT.P2. OBJECTION FILED BY THE PETITIONER TO EXECUTION PETITION.
- EXT.P3. ATTACHMENT ORDER ISSUED BY THE THE HONOURABLE WAKF TRIBUNAL (IIRD ADDL. DISTRICT AND SESSIONS COURT), KOZHIKODE
- EXT.P4. OBJECTION TO FORM NO.24 FILED BY THE PETITIONER.
- EXT.P5. ORDER OF THE HONOURABLE HIGH COURT IN OPC NO.1582/2014.
- EXT.P6. PETITION FILED BY THE RESPONDENT/DECREE HOLDER FOR PERMITTING THEM TO PARTICIPATE IN THE AUCTION.
- EXT.P7. OBJECTION FILED BY THE PETITIONER STATING THAT SCHEDULE PROPERTY IS TO BE DEMARCATED FOR PROPORTIONATE DECREE DEBT.
- EXT.P8. PROCLAMATION.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. BHAVADASAN, J.

O.P.(C). No. 2254 of 2014

Dated this the 27th day of January, 2015.

JUDGMENT

The controversy in this case is narrowed down to 13 cents, which is proposed to be sold to meet the decree debt, i.e. little over Rs.15 Lakhs.

2. Learned counsel for the petitioner had pointed out that for 13 cents, valuation is made at Rs.39 Lakhs which shows that it is not necessary to sell the entire 13 cents and a portion of which is sufficient to meet the decree debt.

3. Learned counsel for the respondent pointed out that it may be possible to divide 13 cents into two plots of 6 ½ cents each and sell one plot to pay off the decree debt and if it is not sufficient, sell the other plot also.

Therefore, it is directed that 13 cents, which forms a compact plot, shall be divided into two equal portions and

sale of one portion shall be first attempted and if it is sufficient to pay off the decree debt, the other portion shall not be sold. If it is not sufficient, then the other portion shall also be sold to satisfy the decree. Execution proceedings shall be completed before summer recess. Exemption given to the residential building and appurtenant land consisting of 5 cents shall stand confirmed and shall not be brought to sale.

The Original Petition is disposed of as above.

sb.

P. BHAVADASAN,
JUDGE