

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

OP(C).No. 2417 of 2014 (O)

(I.A.NO.222/2014 IN AS.NO.69/2012 OF DISTRICT COURT, MANJERI)
O.S.NO.136/2007 OF SUB COURT, TIRUR

PETITIONER :

LEELAVATHY,
W/O VELAYUDHAN NAIR @ APPU NAIR,
MANHALAMPARAMBIL HOUSE, IRIMBILIYAM AMSOM,
VENGALLOOR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.JAYARAM

RESPONDENT(S):

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1. ASHTAMOORTHY UNNI,
S/O MAZHAVANCHERI ILLATH NEELAKANDAN NAMBOOTHIRI,
KATTIPARUTHI AMSOM, VAIKATHUR DESOM,
P.O.VALANCHERY -676 552, TIRUR TALUK,
MALAPPURAM DISTRICT
 2. SHARNGADHARAN,
S/O VELAYUDHAN NAIR @ APPU NAIR,
MANHALAMPARAMBIL HOUSE, IRIMBILIYAM AMSOM,
P.O.VENGALLOOR- 676 102, VENGALLOOR DESOM, TIRUR TALUK,
MALAPPURAM DISTRICT.
 3. BINDU, W/O LATE PRADEEP, MANHALAMPARAMBIL HOUSE,
IRIMBILIYAM AMSOM, P.O.VENGALLOOR- 676 102
VENGALLOOR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.
 4. NIDHIN (MINOR),
S/O LATE PRADEEP, MANHALAMPARAMBIL HOUSE,
IRIMBILIYAM AMSOM, P.O. VENGALLOOR -676 102
VENGALLOOR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT.
REPRESENTED BY 3RD RESPONDENT MOTHER AS GUARDIAN.

R1 BY ADVS. SRI.SAJU.S.A
SRI.M.DEVESH

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 29-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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OP(C).No. 2417 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 24-08-2011 IN O.S NO.136/2007
ON THE FILES OF SUBORDINATE JUDGE, TIRUR
- EXHIBIT P2 TRUE COPY OF THE ORDER DATED 23-01-2013 IN I.A NO 38/2013 AS NO
69/2012 ON THE FILES OF DISTRICT JUDGE, MANJERI
- EXHIBIT P3 TRUE COPY OF THE RECEIPT NO.42 DATED 23-03-2013 SUB
TREASURY, TIRUR
- EXHIBIT P3(A) TRUE COPY OF THE MEMO DATED 23-03-2013 SUBMITTED IN O.S NO
136/2007 SUB COURT, TIRUR PRODUCING EXHIBIT P3 TREASURY
RECEIPT
- EXHIBIT P4 TRUE COPY OF THE EXECUTION PETITION NO.179 OF 2011 IN O.S NO
136/2007 ON THE FILES OF THE SUB COURT, TIRUR
- EXHIBIT P5 TRUE COPY OF THE EXECUTION PETITION NO.24 OF 2012 IN O.S NO
136/2007 ON THE FILES OF THE SUB COURT, TIRUR
- EXHIBIT P6 TRUE COPY OF THE AFFIDAVIT IN I.A NO 222/2014 IN A.S NO.69/2012
ON THE FILES OF THE DISTRICT JUDGE, MANJERI
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 02-07-2014 IN I.A NO 222/2014 AS
NO 69/2012 ON THE FILE OS THE DISTRICT JUDGE, MANJERI

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A) TRUE COPY OF THE I.A.4283/14 DATED 20/09/2014
- EXHIBIT R1(B) TRUE COPY OF THE COUNTER IN I.A.NO.4283/2014 DATED 04/10/2014

/TRUE COPY/

P.A.TO JUDGE

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B.KEMAL PASHA, J.

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O.P.(C).No.2417 of 2014

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Dated this the 29th day of July, 2015

J U D G M E N T

The dispute is that the petitioner has not complied with the order passed by the appellate court to deposit the entire admitted arrears of licence fee or rent before the trial court within two months from 23.01.2013. It seems that within the said period, an amount of ₹32,400/- was deposited by the petitioner. The respondents claim that the actual amount, which ought to have been deposited was ₹50,760/- along with interest at the rate of 12% per annum. Parties shall file statements regarding the amount, within two weeks from today, before the appellate court. The appellate court shall pass orders on it and the petitioner shall deposit the balance amount, if any, before the trial court within a period of two

weeks from the date of orders of the appellate court on the statements. This is an appeal of 2012. The court below shall dispose of the appeal, as expeditiously as possible, at any rate within a period of six months from the date of receipt of a copy of this judgment.

This Original Petition (Civil) is disposed of as above.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/29/7/15