

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

OP(C).No. 2499 of 2014 (O)

**EP.NO.253/2013 IN O.S. NO.419/2006 OF ADDITIONAL SUB COURT,
NORTH PARAVUR.**

.....

PETITIONERS/JUDGMENT DEBTORS:

-
- 1. SHEEJA, W/O.SANTHOSH,
PLASSERY, VAILUKARA, KUNNUKARA VILLAGE,
PARAVUR TALUK, ERNAKULAM DISTRICT.**
 - 2. SANTHOSH, S/O.SUBRAMANIAN,
PLASSERY, VAILUKARA, KUNNUKARA VILLAGE,
PARAVUR TALUK, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.PHILIP T.VARGHESE,
SRI.THOMAS T.VARGHESE,
SMT.ACHU SUBHA ABRAHAM.**

RESPONDENT/DECREE HOLDER:

**PARVATHY, W/O.VIJAYAN,
PADINJARE PARAMBIL, CHALLAKA KARA,
PUTHENVELIKARA VILLAGE, PARAVUR TALUK, PIN-683 513.**

**BY ADVS. SRI.V.RAJENDRAN (PERUMBAVOOR),
SRI.U.P.EASANAN NAMBOODIRIPAD.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 01-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1- TRUE COPY OF THE COMMISSION REPORT FILED IN
E.P.NO.71/2009 IN OS NO.419/2006 OF HE ADDITIONAL SUB COURT,
NORTH PARAVUR DATED 20-11-2010.
- EXT.P2 - TRUE COPY OF THE B DIARY PROCEEDINGS IN E.P.NO.71/2009 IN
O.S. NO.419/2006 OF THE ADDITIONAL SUB COURT, NORTH
PARAVUR DATED NIL.
- EXT.P3 - TRUE COPY OF THE ORDER IN E.P.NO.253/2013 IN
O.S. NO.419/2006 OF THE ADDITIONAL SUB COURT,
NORTH PARAVUR DATED 08-08-2014.
- EXT.P4 - TRUE COPY OF THE OBJECTION FILED BY THE JUDGMENT
DEBTOR IN E.P. NO.253/2013 IN OS NO.419/2006 DATED 28-08-2014.
- EXT.P5 - TRUE COPY OF THE ORDER IN E.P.NO.253/2013 IN
O.S. NO.419/2006 OF THE ADDITIONAL SUB COURT,
NORTH PARAVUR DATED 28-08-2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(C) No.2499 of 2014
.....

Dated this the 1st day of July, 2015

J U D G M E N T

~ ~ ~ ~ ~ ~ ~ ~ ~

The petitioners are the judgment debtors in EP.253/2013 in OS.419/2006 of the Additional Sub Court, North Paravur. The complaint of the petitioners is that the upset price fixed for the 3 cents of property sought to be sold in auction is too low. It is alleged that the Advocate Commissioner had earlier valued the property in 2010 at ₹3 lakhs per cent.

2. Heard learned counsel for the petitioners and learned counsel for the respondent.

3. The learned counsel for the respondent has pointed out that in the earlier EP, the upset price was fixed by the court below on 10.10.2011 at ₹1,50,000/- per cent. Much waters have flown under the bridge. Presently, around five years have been elapsed after the fixing of such

an upset price. It seems that there is genuine grievance from the part of the petitioners in the upset price fixed by the court below at ₹1,50,000/-. The court below shall reconsider the said question, fix the proper upset price and shall proclaim the property for sale. Ext.P5 order stands set aside.

This O.P.(Civil) is allowed with the said observations.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/01/07

// True Copy //

PA to Judge