

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

OP(C).No. 2573 of 2014 (O)

E.P.NO.13/2013 IN O.S.NO.468/05 OF MUNSIFFS COURT, ALUVA

PETITIONER:

**EBRAHIM AGED 48 YEARS
S/O.BAVA, MANGATTARAKUDY HOUSE, KUTTAMASSERY KARA
ALUVA EAST.**

**BY ADVS.SRI.REJI GEORGE
SRI.GOPAKUMAR G. (ALUVA)
SMT.ANUPAMA JOHNY
SRI.BINOY DAVIS
SRI.UMESH.N.PAI**

RESPONDENT:

**KADAR KUNJU, AGED 65 YEARS
S/O.SAIDU MUHAMMED
RESIDING AT NEDUVELI KUDY VEETIL
MANGATTARAKUDY VEEDU, KUTTAMASSERY KARA,
ALUVA EAST – 683 101**

BY ADV. SRI.PAUL K.VARGHESE

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 09-01-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 2573 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : THE TRUE COPY OF THE E.P.NO.13/2013 IN O.S. NO.468/05 OF MUNSIFFS COURT ALUVA

EXHIBIT P2 : THE TRUE COPY OF THE OBJECTION FILED IN E.P.NO.13/2013 IN O.S.NO.468/05 OF MUNSIFFS COURT ALUVA

EXHIBIT P3 : THE TRUE COPY OF THE B DIARY PROCEEDINGS IN E.P.NO.13/2013 IN O.S. NO.468/05 OF MUNSIFFS COURT ALUVA

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY

PA TO JUDGE

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P. BHAVADASAN, J.

O.P.(C). No. 2573 of 2014

Dated this the 9th day of January, 2015.

JUDGMENT

The only grievance voiced by the petitioner before this Court is that to the notice under Order XXI Rule 22 of the Code of Civil Procedure received by him, even though he had filed objection, that was not considered and the impugned order has been passed.

2. Learned counsel appearing for the respondent has pointed out that he has no objection in allowing the petition and directing the court below to consider the objection said to have been filed by the petitioner to the notice received by him and disposing it of on merits.

In the light of the stand taken by the learned counsel for the respondent, the matter is remanded to the execution court with a direction to the said court to consider

the matter on merits especially in the light of the objection said to have been filed by the petitioner and dispose of it in accordance with law.

P. BHAVADASAN,
JUDGE

sb.