

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

OP(C).No. 2622 of 2014 (O)

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EP. NO.373/2013 IN OS. NO.201/2011 OF SUB COURT, IRINJALAKUDA.

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PETITIONER(S):

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VARGHESE ANICKAL,  
S/O. ANICKAL GEORGE, ANICKAL HOUSE, 2C,  
SKYLINE PALMSHADE, EDAPALLY P.O., ERNAKULAM.

BY SRI.P.JACOB VARGHESE, SENIOR ADVOCATE.  
ADV. SRI.VIVEK VARGHESE P.J.

RESPONDENT(S):

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THOMAS MATHEW, S/O.K.M. MATHEW,  
KOLANGI KOMBIL, KOZHANCHERRY VILLAGE,  
PATHANAMTHITTA TALUK,  
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,  
SAMBATH JOSEPH, S/O. MANAPPURATH GEORGE JOSEPH,  
NORTH CHERALI LANE, MATTANCHERRY, COCHIN - 682 002.

BY ADV. SRI.MILLU DANDAPANI.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 30-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- EXHIBIT-P1- TRUE COPY OF THE E.P. 373/2013 IN O.S 201/2011 OF IRINJALAKUDA SUB COURT.**
- EXHIBIT-P2- TRUE COPY OF THE SCHEDULE OF PROPERTIES NOTIFIED IN E.P 373/2013 IN O.S 201/2011 OF SUB COURT, IRINJALAKUDA.**
- EXHIBIT-P3- TRUE COPY OF THE COMMISSION APPLICATION E.A 710/2014 IN E.P. 373/2013 IN O.S. 201/2011 OF SUB COURT, IRINJALAKUDA FILED BY THE PETITIONER-JUDGMENT DEBTOR.**
- EXHIBIT-P4- TRUE COPY OF THE VALUATION REPORT PREPARED AND SUBMITTED BY ER.K.V. KURIAKOSE, B. TECH, C.ENGG, FIV IN RESPECT OF SCHEDULED PROPERTY IN E.P 373/2013 IN O.S 201/2011 OF SUB COURT, IRINJALAKUDA.**
- EXHIBIT-P5- TRUE COPY OF THE OBJECTION DATED 26/06/2014 IN E.P 373/2013 IN O.SD 201/2011 OF SUB COURT, IRINJALAKUDA, FILED BY THE RESPONDENT- DECREE HOLDER.**
- EXHIBIT-P6- TRUE COPY OF THE ORDER IN E.A. 710/2014 IN E.P 373/2013 IN O.S 201/2011 DATED 15/10/2014 PASSED BY THE PRINCIPAL SUB JUDGE, IRINJALAKUDA.**

**RESPONDENT'S EXHIBITS:-           NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**B.KEMAL PASHA, J.**

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O.P.(C).No.2622 of 2014

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*Dated this the 30<sup>th</sup> day of June, 2015*

### **J U D G M E N T**

Exhibit P6 is under challenge. A decree for realization of money is sought to be executed. In execution of the decree, the decree holder has sought for the sale of around 17 Acres of property by stating that the same belongs to the petitioner. According to the petitioner, around 14 Acres of property belongs to the petitioner and the remaining around 3 Acres belongs to his wife. The judgment debtor has sought for a valuation of the property by contending that the property is worth more than 17 Crores; whereas, the decree debt is around 3 Crores. The court below has found that the

valuation made by the Government is there and therefore, presently it does not require any valuation at all. The proclamation has also not been settled. When the matter came up before this Court, this Court has passed order dated 27.02.2015, since the Senior Counsel appearing for both sides had arrived at a consensus regarding the payment and a submission was made before this Court that the decree debt would be discharged on or before 31.05.2015. The fact remains that the decree debt has not been discharged so far. Let the execution proceedings continue. Presently, this Court does not find anything to interfere with Exhibit P6 order.

In the result, this Original Petition (Civil) is closed without prejudice to the right of the judgment debtor to challenge the execution at the stage of proclamation or after sale.

Sd/-

**B.KEMAL PASHA**  
**JUDGE**