

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

OP(C).No. 2864 of 2014 (O)

E.P.NO.31/13 IN ADALATH PETITION NO.82/12 OF MUNSIFF'S COURT, VAIKOM

PETITIONER(S) :

**RAVINDRAN, AGED 65 YEARS,
S/O.KESAVAN, RESIDING AT THEKKEMADATHIL,
P.O.UDAYANAPURAM P.O, VADAKKEMURI VILLAGE,
VADAKKEMURI KARA, VAIKOM TALUK,
KOTTAYAM DISTRICT- 686 143.**

**BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.A.S.SREEKANTH**

RESPONDENT(S) :

**KARTHIKEYAN NAIR, AGED 58 YEARS,
S/O.KARUNAKARAN NAIR, ARAKKAL HOUSE,
KIZHAKUMCHERI, NADUVILE MURI, NADUVILE VILLAGE,
VAIKOM TALUK, VAIKOM P.O- 686 141.**

BY ADV. SRI.K.P.RAJEEVAN

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 02-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE E.P.NO.31/13 DATED 27.02.2013 ON THE FILE OF MUNSIFF'S COURT, VAIKOM IN A.P.NO.82/12.

EXHIBIT P2: TRUE COPY OF THE OBJECTION DATED 24.05.2013 IN E.P.NO.31/13.

EXHIBIT P3: TRUE COPY OF THE ORDER DATED 05.03.2012 UNDER ORDER 21 RULE 54 IN A NO.406/2013 IN A.P.NO.82/12 ON THE FILE OF THE MUNSIFF'S COURT, VAIKOM.

EXHIBIT P4: TRUE COPY OF THE OBJECTION DATED 24.05.2013 FILED BY THE PETITIONER IN A.P.NO.82/12.

EXHIBIT P5: TRUE COPY OF THE SCHEDULE OF THE PROPERTY SHOWN IN A.P.NO.82/12 DATED 13.12.2013.

EXHIBIT P6: TRUE COPY OF THE OBJECTION DATED 28.01.2014 IN E.P.NO.31/2013 IN A.P.NO.82/12 FILED BY THE PETITIONER.

EXHIBIT P7: TRUE COPY OF THE ORDER DATED 07.10.2014 IN E.P.NO.31/13 IN A.P.NO.82/12 ON THE FILE OF THE MUNSIFF'S COURT, VAIKOM.

EXHIBIT P8: TRUE COPY OF THE ORDER DATED 25.10.2014 IN E.P.NO.31/13 IN A.P.NO.82/12 ON THE FILE OF THE MUNSIFF'S COURT, VAIKOM.

RESPONDENT(S)' EXHIBITS

EXHIBIT R1: TRUE COPY OF SALE DEED NO.3061/2012 OF S.R.O.VAIKOM PRODUCED.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No. 2864 of 2014

Dated this the 02nd day of February, 2015

J U D G M E N T

The grievance of the petitioner is against the lack of details in Ext.P8 order whereby draft proclamation was settled for sale.

2. The petitioner suffered a money decree which was put in execution and his property was brought to sale. It is trite that in the order settling proclamation, the details will not be narrated. That would be mentioned in the proclamation form which has been settled for sale.

3. The learned counsel appearing for the respondent pointed out that only six cents have now been proclaimed for sale and all the requirements have been complied with.

4. At that point of time, the learned counsel appearing for the petitioner pointed out that he may be allowed to pay the decree debt in instalments.

5. After having given anxious consideration to the submissions made from both sides, it is felt that instalment facility can be given to the petitioner, provided, he complies with the same as ordered by this Court and it is ordered as follows:

The petitioner shall pay a sum of ₹ 50,000/- (Rupees Fifty Thousand only) on or before **15.03.2015** and thereafter pay the decree debt in equal monthly instalments; the first of which shall start from **15.04.2015** to be followed by similar instalments to be effected on or before 15th of succeeding months. If any one of the instalments is defaulted, proceedings in execution shall continue.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge