

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP (FC).No. 108 of 2015 (R)

AGAINST THE ORDER IN OP 208/2008 OF FAMILY COURT, THIRUVALLA
DATED 12.4.2010

PETITIONER(S)/RESPONDENT:

SUBHADRA BALAN
W/O.BALAN ACHARI, RATHEESH BHAVAN
MUTHOOR P.O. NEDUMPRAM, THIRUVALLA
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S)/PETITIONER:

BALAN ASARI N., AGED 55 YEARS
S/O.NANU ACHARI, RESIDING AT RATHEESH BHAVAN
MUTHOOR P.O, NEDUMPRAM, THIRUVALLA
PATHANAMTHITTA DISTRICT.

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC).No. 108 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - PHOTOCOPY OF ORDER DATED 12-4-2010 OF THE FAMILY COURT
THIRUVALLA IN OP.208/2008

RESPONDENT'S EXHIBITS :

NIL

//TRUE COPY//

P.A. TO JUDGE

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

O.P.(F.C.) No.108 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner is the successful auction purchaser in a court auction sale. Her grievance is that even though the sale took place in 2010, the sale certificate has not been issued to her. In the Writ Petition, it is stated that several applications were filed by the respondent to protract the proceedings. Unless a specific direction is issued, the Family Court is not likely to issue the sale certificate to the petitioner.

2. When the O.P.(F.C.) came up for admission, a report was called for from the Family Court. The Presiding Officer of the Family Court reported thus :

“Even though the sale was conducted as early as on 27.7.2009 and ordered to issue sale certificate on 12.4.2010, the auction purchaser so far not remitted the amount required for the general stamp paper for the sale certificate under Section Order 21 Rule 85 of the Civil Procedure Code. So this Court could not issue sale certificate to the auction purchaser till date.”

3. Since the petitioner has not paid the necessary stamp paper, the sale certificate could not be issued. If the petitioner complies with the legal requirement, the sale certificate will be issued without delay.

Accordingly, the Original Petition (F.C.) is closed.

**K.T.SANKARAN
JUDGE**

**BABU MATHEW P.JOSEPH
JUDGE**