

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

OP(C).No. 3073 of 2014 (O)

(E.P. 332/2012 IN O.S.415/04 OF PRINCIPAL SUB COURT,
THIRUVANANTHAPURAM)

PETITIONER:

B.S SHYAMKUMAR,
LAB ASSISTANT (PHYSICS), S.N. COLLEGE, CHEMPAZHANTHY
THIRUVANANTHAPURAM.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:

1. SANTHAKUMARI AMMA
MADATHIL VEEDU, SWAMIYARMADAM, CHENKOTTUKONAM
CHEMPAZHANTHY MURI, ULIAZHATHURA VILLAGE
THIRUVANANTHAPURAM-695587.(DIED)
2. SHEELAKUMARI,
MADATHIL VEEDU, SWAMIYARMADAM, CHENKOTTUKONAM
CHEMPAZHANTHY MURI, ULIAZHATHURA VILLAGE
THIRUVANANTHAPURAM-695587.
3. ANITHAKUMARI,
MADATHIL VEEDU, SWAMIYARMADAM, CHENKOTTUKONAM
CHEMPAZHANTHY MURI, ULIAZHATHURA VILLAGE
THIRUVANANTHAPURAM-695587.
4. SAJITHARAN,
MADATHIL VEEDU, SWAMIYARMADAM, CHENKOTTUKONAM
CHEMPAZHANTHY MURI, ULIAZHATHURA VILLAGE
THIRUVANANTHAPURAM-695587.
5. SAJITHA DEVI,
MADATHIL VEEDU, SWAMIYARMADAM, CHENKOTTUKONAM
CHEMPAZHANTHY MURI, ULIAZHATHURA VILLAGE
THIRUVANANTHAPURAM-695587.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 24-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- P1. TRUE COPY OF THE MEMO DATED 3-8-2010 FILED BY ADDL. RESPONDENTS 2 TO 5 IN E.P. NO. 484/2008 IN OS NO. 415/2004 ON THE FILES OF THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.
- P2. TRUE COPY OF THE ORDER DATED 11-8-2010 E.P. NO. 484/2008 IN O.S. NO. 415/2004 PASSED BY THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.
- P3. TRUE COPY OF THE EXECUTION PETITION NO. 332/2012 IN O.S. NO. 415/2004 FILED BY THE ADDL. RESPONDENTS 2 TO 5 BEFORE THE PRINCIPAL SUB COURT THIRUVANANTHAPURAM.
- P4. TRUE COPY OF THE OBJECTION TO THE E.P. FILED BY THE PETITIONER.
- P5. TRUE COPY OF THE OBJECTION TO THE RULE 37 PETITION FILED BY THE PETITIONER.
- P6. TRUE COPY OF THE ORDER DATED 27-8-2014 IN E.P. NO. 332/12 OF THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.
- P7. TRUE COPY OF THE NOTICE ISSUED UNDER O. 21 R. 37 C.P.C. BY THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.
- P8. TRUE COPY OF THE ORDER DATED 21-10-2014 IN E.P. NO. 332/12 OF THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.
- P9. TRUE COPY OF THE SALARY CERTIFICATE OF THE PETITIONER ISSUED BY THE PRINCIPAL, S.N. COLLEGE, CHEMPAZHANTHY.

RESPONDENT'S EXHIBITS: NIL

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.3073 OF 2014

Dated this the 24th day of February, 2015.

J U D G M E N T

The only prayer made at the time when the matter was taken up for hearing is that the petitioner may be given liberty to pay the decree debt in 15 equal monthly instalments.

2. Though notice was served on the respondents, there is no appearance on their behalf.

3. The prayer made by the petitioner seems to be reasonable. The petitioner has already deposited Rs.15,000/- as ordered by this Court on 19.12.2014.

The petitioner shall pay the balance decree debt in 15 equal monthly instalments, first of which shall be paid on or before 23.03.2015 and the rest of the amount on or before 23rd of succeeding months. If any one of the instalments is defaulted, execution can be proceeded with.

Sd/-

**P.BHAVADASAN
JUDGE**

smp