IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR.JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

OP (FC).No. 277 of 2015 (R)

PETITIONER(S):

RENJINI SHIBU, AGED 32 YEARS,
W/O. SHIBU, CHANDRAKANTHAM, MYTHRI NAGAR,
VALIYAVILA, THIRUVANANTHAPURAM.

BY ADVS.SRI.M.T.SURESHKUMAR
SRI.S.SANAL KUMAR
SMT.SMITHA PHILIPOSE
SRI.N.MANU THAMPI
SMT.BHAVANA VELAYUDHAN

RESPONDENT(S):
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1. **DIVYA PRASANNAN, AGED 28 YEARS, THAPASYA HOUSE, MULAKKUZHAMURI, MULAKKUZHAVILLAGE, CHENGANNOOR TALUK, ALAPPUZHA DISTRICT-690 563.**

2. **SIVAPRASAD, AGED 33 YEARS, S/O. SIVARAJAN, SIVALAYAM HOUSE, MALAMEKKARA MURI, PERINGANADU VILLAGE, PALLICKAL, ADOOR TALUK, PATHANAMTHITTA DISTRICT - 690 563.**

3. **LEELA SIVARAJAN, W/O. SIVARAJAN, SIVALAYAM HOUSE, MALAMEKKARA MURI, PERINGANADU VILLAGE, PALLICKAL, ADOOR TALUK, PATHANAMTHITTA DISTRICT - 690 563.**

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1	**:**	**COPY OF THE PETITION IN O.P.NO.711/2011 DATED 9.8.2011**
EXT.P2	**:**	**COPY OF THE DEATH CERTIFICATE OF THE FATHER OF THE PEITITONER DATED 20.9.2012.**
EXT.P3	**:**	**COPY OF THE JUDGMENT DATED 31.12.2012 IN O.P.NO.711/2011 OF FAMILY COURT, THIRUVALLA.**
EXT.P4	**:**	**COPY OF THE MEMORANDUM OF EXECUTION PETITION NO.13/2013 IN O.P.NO.711/2011 OF THE FAMILY COURT, THIRUVALLA.**
EXT.P5	**:**	**COPY OF THE AUCTION NOTICE DATED 4.6.2015 IN E.P.NO.13/2013 IN O.P.NO.711/2011 OF THE FAMILY COURT, THIRUVALLA.**

RESPONDENTS EXHIBITS : NIL

// True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

O.P. (F.C.) No.277 of 2015

Dated this the 25th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

This is an application filed by the petitioner who is not a party to E.P.No.13/2013 in O.P.No.711/2011 of Family Court, Thiruvalla, under Article 227 of the Constitution of India, seeking the following reliefs:

> i. Issue a direction to the family court, Thiruvalla to adjourn all proceedings in E.P.No.13/2013 in O.P.No.711/2011 to enable the petitioner to file appropriate petition to contest the appropriate claims of the petitioner.
>
> ii. Issue a direction to the family court, Thiruvalla not to proceed with Ext.P5 auction notice and its implementation on 26.06.2015 and to postpone the same.
>
> iii. Issue such other reliefs, that this Hon'ble Court deems fit and just in the circumstances of the case.

2. The allegation in the petition was that, she was not a party to the execution proceedings and no

decree has been passed against the father or the petitioner, though they were parties to the original proceedings as respondents 2 and 4 respectively and now they are trying to sell the property belonging to the father. So she wants a direction to be issued to the Family Court to stay the execution proceedings till her objections filed and decided by that court.

3. When the application came up for hearing today, the counsel for the petitioner submitted that, parties will be filing the petition to postpone sale and also raising objection to the proclamation made only today. Without filing an application, the parities are not entitled to come before this court for invoking the jurisdiction under Article 227 of the Constitution of India. Further if any application is filed, then the court below is directed to consider and dispose of the application in accordance with law without delay.

With the above direction and observation, the petition is disposed of.

Handover copy of the order to the counsel for the petitioner.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge

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