

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

OP (RC).No. 37 of 2015 (O)

(E.P.83/14 IN RCP 8/09 OF THE RENT CONTROL COURT, THIRUVALLA)

PETITIONER(S)/DECREE HOLDER/PETITIONER:

RACHEL K.VARGHESE, AGED 65 YEARS
W/O. VARKEY VARGHESE, KEECHERIL HOUSE,
PARIYARAM MURI, MALLAPPALLY VILLAGE & TALUK,
PATHANAMTHITTA DISTRICT, PIN 689 585.

BY ADVS.SRI.N.P.PRAJEESH
SRI.JOSEPH GEORGE

RESPONDENT(S)/JUDGMENT DEBTORS/RESPONDENTS 1 AND 2:

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1. ZEENATH BEEVI, AGED ABOUT 56 YEARS,
W/O.SIDDIQUE MUSSALIAR, PANJIPPUZHA
(VANCHIPPUZHA) HOUSE, PADIMON P.O.,
KODUMUDISSERRY MURI, KOTTANGAL VILLAGE,
MALLAPPALLY TALUK PIN 689 589
PATHANAMTHITTA DIST.
 2. NASIMUDHEEN, AGED ABOUT 21,
S/O ZEENATH BEEVI, PANJIPPUZHA
(VANCHIPPUZHA) HOUSE, PADIMON P.O.,
KODUMUDISSERRY MURI, KOTTANGAL VILLAGE,
MALLAPPALLY TALUK PIN 689 589
PATHANAMTHITTA DIST.

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN OP(RC).37/15

PETITIONER'S EXHIBITS:

EXT.P1: PHOTOCOPY OF PETITION IN E.P.83/2014 IN RCP.8/2009 OF RENT CONTROL COURT, THIRUVALLA.

/True copy/

PS to Judge

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

O.P(RC).No.37 of 2015

Dated this the 13th day of March, 2015

JUDGMENT

Antony Dominic, J.

1. Petitioner is the landlord in RCP.8/09 on the file of the Rent Control Court, Thiruvalla. In that case, he succeeded in obtaining an order of eviction as prayed for and that order has become final. He, thereafter, filed E.P.83/14 before the execution court on 17.10.2014. In this original petition filed under Article 227 of the Constitution of India, he complains that the proceedings in the execution court is getting inordinately delayed and therefore, this Court should issue a direction requiring the execution court to expedite the proceedings in EP.83/14.

2. We heard learned counsel for the petitioner and considered the submissions made.

3. We are not inclined to think that the proceedings in the execution petition filed on 17.10.2014 can, at this stage, be said to be highly belated or that the

progress is so poor, calling for an order from the High court in exercise of its powers under Article 227 of the Constitution of India. Therefore, we decline to pass any order as prayed for. Be that as it may, we anticipate the execution court will take such steps as are warranted for expeditious finalisation of the execution proceedings so that the petitioner will get the fruits of the decree that he has obtained.

Original petition is dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.