

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 25464 of 2015 (G)

PETITIONER(S):

**SUSIE SIMON,
W/O.SIMON, KIZHAKKEPARAMBIL,
KADAMMANITTA MURI, NARANGANAM VILLAGE,
RESIDING AT TC 11/1826, YMR JUNCTION, NANTHANCODE,
THIRUVANANTHAPURAM.**

**BY ADVS.SMT.SREEDEVI KYLASANATH
SRI.ACHUTH KYLAS**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA, PIN-689 645.**
- 3. THE EXECUTIVE ENGINEER (ROADS)
PWD, PATHANAMTHITTA, PIN-689 645.**

BY GOVERNMENT PLEADER SMT.LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 25464 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF DECREE DTAED 30-6-2006 IN OS 131/02

P2 : TRUE COPY OF THE JUDGMENT DATED 28-1-2014 IN OPC.235/2014

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 25464 of 2015

Dated this the 7th day of December, 2015

JUDGMENT

Th petitioner, who is the plaintiff in OS No.131 of 2002 and decree holder on the files of Subordinate Court, Pathanamthitta, had filed the said suit for damages for Rs.1,19,400/- together with 12% interest from the 2nd and 3rd respondents. The said respondents had taken over possession of 1 Are 70 Sq.Mtrs. of property, over which the petitioner had exclusive right, title and possession without following any legal procedure. Through the judgment dated 30.06.2006, the suit was decreed allowing the petitioner to realise an amount of Rs.1,19,400/- together with 6% interest per annum from the date of suit till realisation. An execution petition (EP No.146 of 2007) was also filed before the Sub Court, Pathanamthitta for realisation of the said amount of Rs.1,54,324.50/- from the respondents and from their assets. Thereafter, although the petitioner obtained an order of attachment on a Government vehicle, the amounts could not be realised, since the vehicle itself was removed from the Civil Station and Collectorate by the agents of the 2nd respondent. It is under these circumstances that the petitioner has approached this Court seeking a direction to the respondents to deposit the decreed amount before the Court below.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents. The learned Government Pleader on instructions, would submit that the decree amount can be deposited before the Court below, within two months from today. Taking note of the said submission of the learned Government Pleader on instructions, I dispose the writ petition with a direction to the respondents to deposit the decree amount before the Court below, in EP No.146 of 2007, on or before 20.01.2016. The attachment over the vehicle belonging to the respondents shall be lifted on the respondents depositing the said amount before the Court below.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE