



A.No.4920 of 2023

WEB COPY

A.No.4920 of 2023

in

O.P.No.553 of 2011

ABDUL QUDDHOSE, J.

G.Sathyan

... Applicant

Vs

B.Vasudevan (deceased)

1.Sujatha Vasudevan

and 3 others

... Respondents

The learned counsel for the applicant would submit that in the Executing Court, the respondent/decreed holder has filed an application seeking attachment of the money lying to the credit of this O.P.No.553 of 2011, which was disposed of by this Court on 22.04.2016. The Executing Court, after hearing both the counsels, has adjourned the matter to 17.07.2025.

2. The learned counsel for the respondent pointed out to this Court that as early as on 08.02.2018, the applicant had withdrawn a similar application which was filed by him when the earlier execution petition filed by the respondent/decreed holder was pending. He would submit



A.No.4920 of 2023

that thereafter, the earlier execution petition was withdrawn and a fresh execution petition was filed by the respondent/decreed holder and the same is pending consideration by the Executing Court. Therefore, he would submit that the present application is not maintainable.

3. Admittedly, the Executing Court is now considering the application filed by the respondent/decreed holder seeking for attachment of the monies which are now lying to the credit of O.P.No.553 of 2011, which was disposed of by this Court on 22.04.2016, which was also upheld by the Division Bench and the Hon'ble Supreme Court. The said amount was deposited by the applicant to the credit of O.P.No.553 of 2011 pursuant to the directions given by this Court.

4. According to the applicant, under the arbitral award, no monies are due and payable by the applicant to the respondent, as the arbitral award only directed the parties to sell the property and appropriate the sale proceeds amongst the applicant and the respondent. However, the same is disputed by the learned counsel for the respondent.



A.No.4920 of 2023

5. Since this Court is not going to decide whose statement is true at this stage, as the Executing Court has already taken up the application, namely, E.A.No.3 of 2024 filed by the respondent/decreed holder seeking attachment of the funds now lying to the credit of O.P.No.553 of 2011 before this Court, there is no necessity for this Court to decide the present application seeking permission to withdraw the amount lying in the credit of O.P.No.553 of 2011 for the present, as any adjudication of this application will have to wait outcome of E.A.No.3 of 2024 pending on the file of the Executing Court.

6. For the foregoing reasons, this application is closed. However, liberty is granted to the applicant to file a fresh application seeking for the very same relief depending upon the outcome of E.A.No.3 of 2024, which is pending consideration by the Executing Court in E.P.No.143 of 2023. Both the parties are at liberty to file a memo before the Executing Court seeking for early disposal of E.A.No.3 of 2024.

04.06.2025

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