

Shaln Vs. Thankam

Shaln Vs. Thankam

SooperKanoon Citation : sooperkanoon.com/1097231

Court : Kerala

Decided On : Oct-29-2013

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Shain

Respondent : Thankam

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN TUESDAY, THE 29TH DAY OF OCTOBER 2013 7TH KARTHIKA, 1935 OP(C).No. 3767 of 2013 (O) ----- IN EA398 OF 2013 IN EP655 OF 2012 IN OS33 OF 1997 of MUNSIF COURT, KODUNGALLUR PETITIONER(S): ----- SHAIN, AGED 39 YEARS S/O. CHELABATTASSERY DHARMAN, KOTHAPARAMBU DESOM SREENARAYANAPURAM VILLAGE, KODUNGALLUR TALUK BY ADVS.SRI.G.SREEKUMAR (CHELUR) SRI.K.R.ARUN KRISHNAN RESPONDENT(S): -----

1. THANKAM, W/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE, KODUNGALLUR TALUK - 680 684

2. LAILA, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE, KODUNGALLUR TALUK - 680

3. UJALA, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
4. HANSA, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
5. THAMPI, S/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
REP. BY POWER OF ATTORNEY HOLDER USHA6 USHA, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
7. BABU, S/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
REP. BY POWER OF ATTORNEY HOLDER USHA -2-
8. GIRLY, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
9. LATHA, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
10. RADHIKA, D/O. CHERAI PADINJAREKARA RAMAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
11. LAKSHMY, W/O. CHERAI PADINJAREKARA BALAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
12. SARASA, D/O. CHERAI PADINJAREKARA BALAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684
13. SHAILA, D/O. CHERAI PADINJAREKARA BALAKRISHNA PANICKER ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684

14. JAYALAKSHMY, D/O.CHERAI PADINJAREKARA BALAKRISHNA PANICKER, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684

15. PRASAD, S/O. MANGALATH RAMU, ALA DESOM SREENARAYANAPURAM VILLAGE, KODUNGALLUR TALUK680684

16. SHAJI, S/O. MANGALATH RAMU, ALA DESOM SREENARAYANAPURAM VILLAGE, KODUNGALLUR TALUK680684

17. PRAKASAN, S/O. MANGALATH RAMU, ALA DESOM SREENARAYANAPURAM VILLAGE, KODUNGALLUR TALUK680684

18. BHANUMATHY, W/O. (LATE) CHERAI PADINJAREKARA PEETHAMBARAN, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684

19. PREETHA, D/O. (LATE) CHERAI PADINJAREKARA PEETHAMBARAN, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684

20. BALU, S/O. CHERAI PADINJAREKARA PEETHAMBARAN, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK - 680 684

21. REMA, W/O. (LATE) CHERAI PADINJAREKARA UNNI, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK680684

22. HAJU, S/O.(LATE) CHERAI PADINJAREKARA UNNI, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK680684 -3-

23. HIJU, S/O.(LATE) CHERAI PADINJAREKARA UNNI, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK680684

24. NALINI, W/O. (LATE) CHERAI PADINJAREKARA KUTTAN @ KERSON, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK680684

25. SREEDEVI, D/O. (LATE) CHERAI PADINJAREKARA KUTTAN @ KERSON, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR

26. SEENA, W/O. KALATHIL ANILKUMAR, ALA DESOM, SREENARAYANAPURAM VILLAGE KODUNGALLUR TALUK680684 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29-10-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(C).No. 3767 of 2013 (O) ----- APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P -I : A TRUE COPY OF EP NO.655 OF 2012 IN OS NO.33 OF 1997 ON THE FILE OF THE MUNSIFF COURT, KODUNGALLUR DATED 98/2012. EXHIBIT P -II : A TRUE COPY OF THE EA NO.398 OF 2013 IN EP NO.655 OF 2012 IN OS NO.33 OF 97 DATED 910/2013 ON THE FILE OF THE MUNSIFF COURT, KODUNGALLUR. EXHIBIT P -III : A TRUE COPY OF THE OBJECTION FILED BY THE DECREE HOLDER TO EXT.P2 DATED 2210/2013. RESPONDENT'S EXHIBITS: NIL // true copy // PA to Judge das N.K.BALAKRISHNAN, J.

===== O.P.(C). No. 3767 of 2013
===== Dated this the 29th day of October, 2013

JUDGMENT

It is submitted by the learned counsel for the petitioner that the petition under Order XXI Rule 97 filed by him as EA No.398 of 2013 in EP No.655 of 2012 was dismissed by the Execution Court. A request was made orally for issuance of a copy. Copy is not received so far. But proceedings for effecting delivery are being taken. Hence, the following order is issued:

2. The learned Munsiff, Kodungallur will issue a copy of the order in EA398 of 2013 as and when applied, if not already applied for.

3. Proceedings for effecting delivery of the property shall be kept in abeyance for a period of two weeks from today. The OP is disposed of accordingly.
N.K.BALAKRISHNAN, JUDGE das