

Ibrahim vs Shamila Jamal

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Court : Kerala Orders

Decided On : Mar-19-2024

Judge : Honourable Mr.Justice C. Jayachandran

Appeal No. : OP(C)/712/2024

Appellant : Ibrahim

Respondent : Shamila Jamal

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN TUESDAY,
THE 19TH DAY OF MARCH 2024 / 29TH PHALGUNA, 1945 OP(C) NO. 712 OF
2024

**ORDER DATED 25.01.2024 IN EP 50 OF 2018 IN OS NO.41 OF
2014**

OF ASSISTANT SESSIONS COURT/SUB COURT/COMMERCIAL COURT,
PETITIONER/RESPONDENT: IBRAHIM AGED 64 YEARS S/O MUHAMMADALI,
VALIYAKATHUKOTTUKKAL, ORUMANAYOOR, CHAVAKKAD, TRISSUR, PIN -
680 512 BY ADV VIJAYAKUMARI RESPONDENT/PETITIONER: SHAMILA
JAMAL AGED 42 YEARS W/O VALIYAKATHU VEETIL ABDUL JAMAL,

ERANELLUR VILLAGEKECHERY DESOM, THALAPPILLY TALUK, PIN - 680 501 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated, this the 19th day of March 2024 The petitioner is the judgment debtor in E.P.No. 50/2018 arising from the suit, O.S.No.41/2014 of the Sub Court/Commercial Court, Chavakkad. Petitioner is aggrieved by Ext.P9 order, whereby the property has been sold in auction and purchased by the decree holder/ respondent. The petitioner would offer that he will pay a sum of Rs.5 lakhs within a period of 15 days. On the basis of that offer, the petitioner seeks to stay the confirmation of the sale.

2. When this court expressed that confirmation of the

sale cannot be stayed, unless the payment is effected immediately, learned counsel for the petitioner seeks to withdraw this Original Petition, with liberty to approach to the execution court, with a prayer to keep the sale in abeyance upon deposit of Rs.5 lakhs within a period of 15 days. The petitioner is permitted to withdraw this Original Petition, and this Original Petition will stand dismissed as withdrawn.

3. In case, the petitioner files an application before

the trial court before 30/03/2024 expressing the petitioner's desire to deposit a sum of Rs.5 lakhs within 15 days, the executing court will consider staying the confirmation of sale for the said period of 15 days. The execution Court will be at liberty to take a call as regards the future course to be adopted in the E.P, including the option to continue the stay of confirmation of sale, so long as the petitioner continues to make reasonably substantial payments towards decree debt periodically. This Original Petition is disposed of, as above. Sd/- C.JAYACHANDRAN, JUDGE SSG APPENDIX OF OP(C) 712/2024 PETITIONERS EXHIBITS Exhibit.P 1 TRUE COPY OF THE PLAINT FILED IN O.S.NO.41/2014 BY THE RESPONDENT Exhibit.P 2 TRUE COPY OF THE

DECREE IN O.S.NO.41/2014 DATED 05/03/2016 ISSUED BY THE SUB COURT,
Exhibit.P 3 TRUE COPY OF THE MEDIATION AGREEMENT

DATED 07/04/2016 EXECUTED IN BETWEEN THE RESPONDENT/PLAINTIFF
AND THE POWER OF ATTORNEY HOLDER MAZOOD.V.K IN O.S.NO.41/2014
ON THE FILES OF SUB COURT, Exhibit.P 4 TRUE COPY OF THE EXECUTION
PETITION FILED BY THE RESPONDENT AGAINST THE PETITIONER IN
E.P.NO.50/2018 IN O.S.NO.41/2014 ON THE FILES OF SUB COURT,
CHAVAKKAD Exhibit.P 5 TRUE COPY OF THE OBJECTION FILED BY THE
PETITIONER IN E.P.NO.50/2018 IN O.S.NO.41/2014 DATED 22/09/201 Exhibit.P
6 TRUE COPY OF THE MEMO DATED 12/09/2023 FILED BY THE COUNSEL
FOR THE RESPONDENT BEFORE THE SUB COURT, CHAVAKKAD
REGARDING THE PAYMENT DONE BY THE PETITIONER TO THE
RESPONDENT IN E.P.NO.50 /2018 IN O.S.NO.41/2014 Exhibit.P 7 TRUE COPY
OF THE CALCULATION STATEMENT DATED 13/09/2023 FILED BY THE
COUNSEL FOR THE RESPONDENT BEFORE THE SUB COURT, CHAVAKKAD
REGARDING THE PAYMENT DONE BY THE PETITIONER TO THE
RESPONDENT IN

Exhibit.P 8 TRUE COPY OF THE SALE NOTICE DATED

COURT, CHAVAKKAD IN E.P.NO.50/2018 IN O.S.NO.41/2014 DATED
25/01/2024

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