

P. Bhaskaran vs Harichandran

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Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : OP(C)/535/2023

Appellant : P. Bhaskaran

Respondent : Harichandran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
OP(C) NO. 535 OF 2023 (SEEKING EARLY CONSIDERATION OF
EP.No.44 OF 2020 IN O.S.No.803 OF 2014 AND ITS
INTERLOCUTORY APPLICATIONS PENDING ON THE FILES OF I
ADDITIONAL MUNSIFF COURT, NEYYATTINKARA)
PETITIONER(S)/PLAINTIFF/DECREE HOLDER P. BHASKARAN AGED
64 YEARS S/O. PARAMESWARAN PILLAI, THAIVILAKATHU PUTHEN
VEEDU, SREE BHAVAN, EKKALLOORKONAM, KEEZHKOLLA
DESAM, CHENKAL VILLAGE, AMARAVILA P.O, NEYYATTINKARA
THALUK, THIRUVANANTHAPURAM DISTRICT., PIN - 695132

BY ADVS. RINU. S. ASWAN GOPIKA H.H LEKSHMY I. SHAJEER.S
RESPONDENT(S)/DEFENDANT/JUDGMENT DEBTOR & THIRD
PARTY CLAIM OBJECTOR: 1 HARICHANDRAN AGED 63 YEARS S/O.
SANKU NADAR, KARMAL BHAVAN, MAKINKARA, KEEZHKOLLA
DESOM, CHENKAL VILLAGE, CHENKAL P.O, NEYYATTINKARA
THALUK, THIRUVANANTHAPURAM DISTRICT., PIN - 695132 2
KOMALAM AGED 62 YEARS W/O. HARICHANDRAN, KARMAL
BHAVAN, MAKINKARA, KEEZHKOLLA DESOM, CHENKAL VILLAGE,
CHENKAL P.O, NEYYATTINKARA THALUK,
THIRUVANANTHAPURAM DISTRICT., PIN - 695132 3 MANIKANTAN
AGED 36 YEARS MANIKANTA VILASOM, KODAKKARA, CHENKAL
P.O, NEYYATTINKARA THALUK, THIRUVANANTHAPURAM
DISTRICT. 695 132. OP(C) NO. 535 OF 2023 2 THIS OP (CIVIL)
HAVING COME UP FOR ADMISSION ON 31.05.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: OP(C) NO. 535 OF
2023 3

JUDGMENT

The decree holder came up for an early disposal of the execution petition - Ext.P4 pending before the execution court. It is fairly submitted by the learned counsel for the petitioner that an application under Order XXI Rule 97 CPC is pending consideration. Steps already completed in that application and evidence was also taken, but so far that was not taken up for hearing and adjudication. Hence, there will be a direction to the trial court to expedite the disposal of E.P as well as application pending under Order XXI Rule 97 CPC in a time bound manner positively within a period of six months from the next posting date. This O.P(C) will stand allowed accordingly. Sd/- P.SOMARAJAN JUDGE LEK OP(C) NO. 535 OF 2023 4 APPENDIX OF OP(C) 535/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE PLAINT IN O.S NO. 803 OF 2014 ON THE FILES OF THE HON'BLE MUNSIFF COURT, NEYYATTINKARA DATED 31.07.14 Exhibit P2 TRUE COPY OF THE MEDIATION AGREEMENT DATED 31.03.17 Exhibit P3 A TRUE COPY OF THE JUDGMENT AND DECREE IN O.S NO. 803 OF 2014 ON THE FILES OF THE PRINCIPAL MUNSIFF COURT, NEYYATTINKARA DATED

23.05.17 Exhibit P4 A TRUE COPY OF THE EXECUTION PETITION IN

E.P NO. 441 OF 2020 IN O.S NO. 803 OF 2014 ON THE FILES OF HON'BLE MUNSIF COURT, NEYYATTINKARA DATED 20.11.20 Exhibit P5 A TRUE COPY OF THE PETITION FILED BY THE PETITIONER TO AFFORD POLICE ASSISTANCE TO THE DECREE-HOLDER DATED 08.07.22 Exhibit P6 A TRUE COPY OF THE PETITION FILED BY THE PETITIONER TO BREAK OPEN THE LOCK OF THE RESIDENTIAL BUILDING DATED 04.08.22 Exhibit P7 A TRUE COPY OF THE CLAIM APPLICATION IN E. A NO. 6 OF 2022 IN E.P NO. 441 OF 2020 IN O.S NO. 803 OF 2014 FILED BY THE 3RD RESPONDENT DATED 24.08.22

Exhibit P8 A TRUE COPY OF THE OBJECTION TO E. A NO. 6 OF 2022 IN E.P NO. 441 OF 2020 IN O.S NO. 803 OF 2014 FILED BY THE PETITIONER DATED 27.08.22 Exhibit P9 A TRUE COPY OF THE WITNESS SCHEDULE ALONG WITH ITS ACCOMPANYING AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 10.10.22 Exhibit P10 A TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER DATED 28.11.22 OP(C) NO. 535 OF 2023 5 Exhibit P11 A TRUE COPY OF THE APPLICATION FILED BY THE 3RD RESPONDENT FOR THE APPOINTMENT OF AN ADVOCATE COMMISSIONER DATED .09.22 Exhibit P12 A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO THE APPOINTMENT OF ADVOCATE COMMISSIONER DATED 28.11.22 Exhibit P13 A TRUE COPY OF THE CASE DETAILS IN E.P

NO. 441 OF 2020 IN O.S NO. 803 OF 2014 ON THE FILES OF ADDL. MUNSIF COURT-I, NEYYATTINKARA DATED NIL

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