

Priya vs Sobhana

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : FAO/216/2017

Appellant : PRIYA

Respondent : Sobhana

Judgement :

& FAO NO. 216 OF 2017 AGAINST ORDER DATED 4.3.2017 IN I.A.NO.4535/2016 & I.A.NO.4532/2016 IN OS 887/2012 OF II ADDITIONAL SUB COURT, THRISSUR APPELLANT/PETITIONER/DEFENDANT PRIYA, AGED 40 YEARS, W/O.BALASUBRAHMANIYAN, AMBALAPARAMBIL CHERUTHUDI(H). PERINGAVU VILLAGE, THRISSUR SRI.LINDONS C.DAVIS SMT. DHANYA.E.U RESPONDENT/RESPONDENT/PLAINTIFF SOBHANA, AGED 40 YEARS, W/O.SADANANDAN KANDATH(H), OLLUKKARA, THRISSUR BY ADV SRI.N.M.MADHU ADMISSION ON 31.01.2023, ALONG WITH FAO.227/2018, THE & FAO NO. 227 OF 2018 AGAINST ORDER DATED 20.10.2017 IN EA 1629/2016 IN EP NO.22/2014 IN OS

887/2012 OF I ADDITIONAL SUB COURT, THRISSUR
APPELLANT/PETITIONER/JUDGMENT-DEBTOR

PRIYA, AGED 40 YEARS W/O BALASUBRAHMANYAM,
AMBALAPARAMBIL VEEDU, PEINGAVU VILLAGE DESOM, THRISSUR
TALUK. LINDONS C.DAVIS SMT.E.U.DHANYA
RESPONDENT/RESPONDENT/DECREE HOLDER SOBANA, AGED 40
YEARS W/O KANDATH SADANANDAN, OLLUKKARA VILLAGE
DESOM, THRISSUR TALUK. SRI.N.M.MADHU SMT.C.S.RAJANI
ADMISSION ON 31.01.2023, ALONG WITH FAO.216/2017, THE
A.MUHAMED MUSTAQUE & SHOBA ANNAMMA EAPEN, JJ.
----- F.A.O. 216 of 2017 & F.A.O. 227 of
2018 ----- Dated : 31st January, 2023

JUDGMENT

A.Muhamed Mustaque, J.

The appeals were filed by a judgment-debtor aggrieved by an application for setting aside the sale. When this matter was taken up before this Court on 25.7.2022, the following order was passed.

Today, when these matters were taken up for consideration, the learned counsel for the appellant would submit that in terms of an out of court settlement arrived at between the parties, the appellant paid a sum of Rs.5,00,000/-, out of the agreed amount of Rs.16,00,000/-. The learned counsel for the appellant would submit that if some more time is granted, the appellant shall pay the balance amount. The learned counsel for the respondent would point out that the time limit as per the terms of the out of court settlement already expired on 26.3.2021. He seeks time to get instructions as to whether the respondent is prepared to grant some more time to the appellant to pay off the balance amount.

2. Agreement between the parties had already been

arrived at and no settlement has been worked out. But still we persuaded the counsel for the decree holder (auction purchaser) to extend the time, and accordingly agreed to extend the time by one month from today. If the appellant/judgment debtor clears the entire amount within one month, the sale would stand set aside. Appeals are disposed of, on the basis of the agreement between the parties as above. A. MUHAMED MUSTAQUE, SHOBA ANNAMMA EAPEN, Mrcs

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