

C.B. Singh vs Satheesan

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Court : Kerala

Decided On : Jun-09-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : CRP/98/2023

Appellant : C.B. Singh

Respondent : Satheesan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
FRIDAY, THE 9TH DAY OF JUNE 2023 / 19TH JYAISHTA, 1945
AGAINST THE ORDER IN TOS 463/2014 OF MUNSIFF COURT,
MAVELIKKARA EP 11/2021 OF MUNSIFF COURT, MAVELIKKARA

REVISION PETITIONER/JUDGMENT DEBTOR/DEFENDANT: C.B.
SINGH AGED 51 YEARS S/O BALAN, CHOONATTU MANGALAM
COMPLEX, MITCHEL JUNCTION, MAVELIKKARA, PIN - 690101 BY
ADVS. GEORGE VARGHESE(PERUMPALLIKUTTIYIL) MANU
SRINATH NIMESH THOMAS RESPONDENT/DECREE
HOLDER/PLAINTIFF: SATHEESAN AGED 52 YEARS S/O NANU,
SRUTHILAYAM, OLAKKETTIYAMBALAM, MAVELIKARA TALUK, PIN -

690510 BY ADVS. R.REJI M.V.THAMBAN(T-12) THARA THAMBAN(T-209) B.BIPIN(K/297/2007) ARUN BOSE(K/140/2013) THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

After conducting an enquiry regarding means to pay the decree amount and compliance of the mandate under Rule 37, a warrant of arrest was issued against the judgment debtor, against which this revision is filed.

2. It is an admitted case that the revision

petitioner/judgment debtor did not mount on the witness box so as to give direct evidence regarding no means or inability to pay the decree amount. On the other hand, it was brought out that he had some immovable properties, which were acquired by the State Government. Apart from that, no satisfactory evidence was adduced to show the other properties devolved on him on the death of his mother. The case that he did not receive any amount under the land acquisition proceedings and it is pending is not a sufficient ground to hold that he has no

-3- means to pay the decree amount. In fact, a compromise decree was passed in which the decree holder asserted that he will pay the decree amount within five months and it would satisfy that he is a person having means to pay the amount. Otherwise, there may not be any such clause in the

compromise. At the fag end, it is submitted by the learned

proceedings for a period of one month so as to enable the decree holder to pay the decree amount within that time. Necessarily, the court below shall not grant any further time for the said purpose and shall be at liberty to proceed with the coercive steps under the execution against the

judgment debtor and it shall be completed within a

period of two weeks from the date of expiry of one month as ordered above. -4-
The original petition will stand disposed of accordingly. Sd/- P.SOMARAJAN
JUDGE uu 09.06.2023 -5- APPENDIX OF CRP 98/2023 PETITIONER
ANNEXURES Annexure1 A CERTIFIED COPY OF THE DEPOSITION OF THE
DECREE HOLDER

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