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Sudeesh vs Saritha Sasi

Sudeesh vs Saritha Sasi

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Court : Kerala

Decided On : Jul-31-2023

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : OP (FC)/298/2023

Appellant : Sudeesh

Respondent : Saritha Sasi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945 OP (FC) NO. 298 OF 2023 RP 53/2023 IN OP 1328/2017 OF FAMILY COURT, ATTINGAL PETITIONERS/PETITIONERS: 1 SUDEESH, AGED 47 YEARS, S/O BRAHMANDAN, OUNNUKALLIL (H), MANAMPUR, THIRUVANANTHAPURAM DISTRICT, PIN - 695611. 2 MANGALAMBIKA, AGED 69 YEARS, W/O BRAHMANDAN, OUNNUKALLIL, MANAMPUR, THIRUVANANTHAPURAM DISTRICT, PIN - 695611. BY ADV G.VIDYA RESPONDENT/RESPONDENT:

SARITHA SASI, AGED 41 YEARS, D/O SASIDHARAN, SARITHA BHAVAN, S.N. PURAM, MOONGODE.P.O, THIRUVANANTHAPURAM, PIN - 695573. BY ADVS. RAHUL SURENDRAN MANU GOVIND(K/001218/2003) THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(FC)No.298/2023 2

J U D G M E N T

A.Muhamed Mustaque, J.

This original petition is at the instance of the judgment

debtor, pursuant to an award passed by the Lok Adalat. He appears to have filed a review petition before the Family Court to review the award. There is no power for a Family Court to review an award passed by Lok Adalat. We can not also direct the Family Court to pass orders on the review petition, which is per se not maintainable. According to the petitioner, though the total extent agreed to be conveyed to the decree holder was 10.5 cents, what is available is only 8.5 cents. We are not entering into the controversy of this issue. It is for the Family Court to decide in execution, what is the extent of land available for the purpose of satisfying the award. The petitioner is given liberty to raise all such pleas before the execution court.

With the above said observation, this original petition is disposed of. A.MUHAMED MUSTAQUE SOPHY THOMAS DSV/- OP(FC)No.298/2023 3 APPENDIX OF OP (FC) 298/2023 PETITIONERS EXHIBITS: Exhibit1 TRUE COPY OF AWARD IN O.P. NO, 1328/2017 AND M.C NO.394/2017 DATED 02.11.2019 AND THE TYPED COPY. Exhibit- P2 THE TRUE COPY OF DEED NO. 141/2009, DATED 03.02.2009 OF SRO, KAVALAYOOR. Exhibit-P3 TRUE COPY OF LOCATION SKETCH OF THE PROPERTY. Exhibit- P4 TRUE COPY OF THE EXECUTION PROCEEDINGS INITIATED VIDE E.P. NO.19/2021. Exhibit- P5 TRUE COPY OF R.P. NO. 53/2023 IN O.P.NO.1328/2017 DATED 18.04.2023. RESPONDENTS EXHIBITS: NIL

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