

**Runs Mon vs Simpol**

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**SooperKanoon Citation :** [sooperkanoon.com/1440102](http://sooperkanoon.com/1440102)

**Court :** Kerala

**Decided On :** May-24-2022

**Judge :** Honourable Mr. Justice a. Badharudeen

**Appeal No. :** OP(C)/13/2019

**Appellant :** Runs Mon

**Respondent :** Simpol

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN  
TUESDAY, THE 24TH DAY OF MAY 2022 / 3RD JYAISHTA, 1944  
OP(C) NO.13 OF 2019 AGAINST THE ORDER/JUDGMENT IN OS  
77/2018 OF SUB COURT / COMMERCIAL COURT, MANJERI  
PETITIONER/PETITIONER/PLAINTIFF: RUNS MON AGED 43 YEARS  
S/O. K.T. ABRAHAM, PROPRIETOR, K.P.A. PETROLEUM RELIANCE  
OUTLET, NILAMBUR AMSOM, DESOM AND TALUK, BY ADVS.  
K.M.SATHYANATHA MENON SMT.KAVERY S THAMPI  
RESPONDENT/RESPONDENT/DEFENDANT: SIMPOL AGED 36  
YEARS S/O. VARKY, POTTAKKAL HOUSE, VADAPURAM, NILAMBUR  
TALUK, BY ADV SRI.P.VENUGOPAL (1086/92) THIS OP (CIVIL)

HAVING COME UP FOR ADMISSION ON 24.05.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

Dated this the 24th day of May, 2022 This Original Petition has been filed under Article 227 of the Constitution of India by the plaintiff, who is aggrieved by

### **order in I.A.No.1243/2018 in O.S.No.77/2018 dated**

21.12.2018, whereby the learned Munsiff refused to give attachment in respect of Schedule 2 movable properties.

2. At the time of admission, this Court granted an interim order, whereby the respondent is restrained from alienating the movable properties described in Schedule 2.

3. Going by the order impugned also, the trial court kept the movable properties under conditional attachment with notice to respondent on 08.01.2019.

4. At the time of hearing, the learned counsel for the petitioner would submit that now decree has been passed in O.S.No.77/2018 on 25.03.2021 and the copy of the decree has not been obtained so far.

5. In view of passing of the decree, the remedy of

the petitioner is to move execution petition to execute the decree and the terms of the decree in so far as the movable items shall also govern the decree. Since the details of the decree is not known, I am of the view that this Original Petition can be closed with liberty to the petitioner to file execution petition and seek remedies in tune with the terms of the decree and for effecting the same, the interim order passed by this Court restraining alienation of the movable properties described in Schedule 2 produced along with Ext.P2 shall be in force for a period of five weeks from today and not thereafter. This Original Petition stands disposed of. Registry shall forward a copy of this judgment to the court below concerned, within seven days, for information and compliance. Sd/- A. BADHARUDEEN JUDGE nkr

APPENDIX OF OP(C) 13/2019 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE PLAINT IN O.S. NO. 77 OF 2018 ON THE FILES OF THE SUBORDINATE JUDGE OF MANJERI. EXHIBIT P2 CERTIFIED COPY OF THE ORDER DATED

21.12.2018 IN I.A. NO. 1243/2018 IN O.S. NO. 77 OF 2018 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF MANJERI ALONG WITH THE I.A. NO. OTHER DOCUMENTS PRODUCED ALONG WITH I.A. NO. 1243/2018

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