

Saidalavi vs Aboobacker

Saidalavi vs Aboobacker

SooperKanoon Citation : sooperkanoon.com/1445051

Court : Kerala

Decided On : Jan-21-2022

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : OP(C)/149/2022

Appellant : Saidalavi

Respondent : Aboobacker

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 21ST DAY OF JANUARY 2022 / 1ST MAGHA, 1943
AGAINST THE ORDER/JUDGMENT IN E.P.315/2018 IN OS 181/2006
OF MUNSIFF COURT, MANJERI PETITIONER/5TH
RESPONDENT/5TH DEFENDANT: SAIDALAVI, AGED 62 YEARS S/O
KALLUTHODI MUHAMMED, KODIYAMPILAKKAL HOUSE, KARIPPUR
AMSOM AND DESOM, KUMMINIPARAMBA P.O. BY ADV
C.M.MOHAMMED IQUBAL RESPONDENTS/PETITIONER AND
OTHER RESPONDENTS/PLAINTIFFS AND OTHER DEFENDANTS:

1 ABOOBACKER, AGED 60 YEARS, S/O PARAMMAL AMBADI
POCKER HAJI, KODIYAMPILAKKAL HOUSE, 2 KABEER, 3 VEERAN,

AGED 49 YEARS 4 FAROOK, AGED 57 YEARS 5 NISHAD, AGED 39 YEARS S/O KODIYAMPILAKKAL KUNHAHAMMAD, KODIYAMPILAKKAL HOUSE, 6 SUBAIR, AGED 38 YEARS S/O THAZATHU PALLIYALI ASSAIN HAJI, THAZHATHU PALLIYALI THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 21.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 21st day of January, 2022 The prayer in this petition moved by the 6th judgment debtor in E.P.315/2018 in O.S.No.181/2006 of the Munsiff's Court, Manjeri is a direction to the execution court/Munsiff court, Manjeri to issue carbon copy of order dated 19.01.2022.

2. It is submitted by the learned counsel for the petitioner

that the order passed by the learned Munsiff on 19.01.2022 is unknown and appropriate remedy against the said order is to be exhausted after getting the certified copy.

3. It is noted that the order was passed on 19.01.2022 and

this Original Petition has been filed on the third day i.e, 21.01.2022. In fact, breathing time, even not given to the court below to comply with the copy application, if any filed. Therefore, though the prayer is premature, I am inclined to direct the

execution court concerned to issue certified copy of the order

within four days from today. The implementation of the order

dated 19.01.2022 shall stand stayed for the said period of four days from today. With the above direction, this Original Petition (Civil) stands closed. Registry is directed to 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) 149/2022 PETITIONER EXHIBITS Exhibit P1 THE TRUE

COPY OF THE DECREE IN OS NO DATED 31.1.2013 Exhibit P2 THE TRUE COPY OF E.P.NO.315/2018 IN O.S.NO.181/2006 OF MUNSIFF COURT,MANJERI DATED 01/06/2018. Exhibit P3 THE TRUE COPY OF THE COUNTER IN MUNSIFF COURT, MANJERI DATED OCTOBER 2018. Exhibit P4 THE TRUE COPY OF THE ORDER IN MUNSIFF COURT, MANJERI DATED 23/01/2020. Exhibit P5 THE TRUE COPY OF THE ORDER IN I.A.NO.1853/2018 IN O.S.NO.284/2018 OF THE MUNSIFF COURT, MANJERI DATED 26/09/2018. Exhibit P6 THE TRUE COPY OF E.A.NO.1/2020 IN MUNSIFF COURT, MANJERI DATED 31/01/2020. Exhibit P7 THE TRUE COPY OF THE COUNTER OF THE 5TH RESPONDENT IN E.A.NO.1/2020 IN MUNSIFF COURT, MANJERI DATED 26/01/2020. Exhibit P8 THE TRUE COPY OF HE JUDGMENT IN OP(C) NO.938/2020 DATED 16/09/2021 OF THIS HON'BLE COURT. Exhibit P9 THE TRUE COPY OF THE ORDER IN E.A.NO.1/2020 IN E.P.NO.315/2018 IN O.S.NO.181/2006 OF THE MUNSIFF COURT, MANJERI DATED

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com