

**Ambika vs Rajan**

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**SooperKanoon Citation :** [sooperkanoon.com/1445057](http://sooperkanoon.com/1445057)

**Court :** Kerala

**Decided On :** Mar-28-2022

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

**Appeal No. :** OP(C)/151/2022

**Appellant :** Ambika

**Respondent :** RAJAN

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN MONDAY,  
THE 28TH DAY OF MARCH 2022 / 7TH CHAITHRA, 1944 OP(C) NO. 151 OF  
2022

**ORDER IN EXECUTION APPLICATION NO.243/2019 IN  
EXECUTION**

PETITION NO.80/2019 OF THE COURT OF THE MUNSIFF MAGISTRATE  
COURT,PONNANI PETITIONERS/RESPONDENTS 1 AND 2 IN EXECUTION  
APPLICATION NO.243/2019/PETITIONERS IN EXECUTION PETITION 80/2019:  
1 AMBIKA AGED 50 YEARS W/O. KONNAMKALATHU VEETIL, KANNAN,  
KONNAMKALATHU VEETIL PONNANI TALUK, EDAPPAL AMSOM, THUYYYAM

DESOM, P.O 2 KANNAN, AGED 57 YEARS S/O. KONNAMKALATHU VEETIL, SANKUNNI, KONNAMKALATHU VEETIL, PONNANI TALUK, EDAPPAL AMSOM, THUYIAM DESOM P.O BY ADV K.LATHA RESPONDENT/APELLANT IN EXECUTION APPLICATION NO.243/2019/RESPONDENT IN EXECUTION PETITION 80/2019: RAJAN AGED 45 YEARS S/O. THOTTEKKATTU BHARGAVI, THOTTEKKATTU, PONNANI TALUK, EDAPPAL AMSOM, THUYIAM DESOM P.O EDAPPAL 679 576. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

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## **JUDGMENT**

In this original petition filed under Article 227 of the Constitution of India, the petitioners seek early disposal of IA No.1378 of 2019 and E.P.No.80 of 2019. The learned Munsiff, Ponnani, as per report dated 31.01.2022, expressed his willingness to dispose of the same without further delay. However, the learned Munsiff not exactly pointed out the time for disposal. Having considered the minimum prayer, I am inclined to allow this original petition. Therefore, there shall be a direction to the learned Munsiff, Ponnani to consider IA No.1378 of 2019 and E.P.No.80 of 2019 pending before that Court at the earliest, at any rate, within three months from the date of production or receipt of a copy of this judgment. Sd/- A.BADHARUDEEN, JUDGE rkj ..3.. APPENDIX OF OP(C) 151/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE JUDGMENT IN ORIGINAL SUIT NO.328 OF 2015 DATED 10TH DAY OF Exhibit P2 TRUE COPY OF THE DECREE IN ORIGINAL SUIT NO. 328 OF 2015 DATED 10TH DAY OF Exhibit P3 TRUE COPY OF THE EXECUTION PETITION

NO. 80 OF 2019 IN ORIGINAL SUIT NO. 328 OF 2015 FILED BY THE PETITIONERS BEFORE THE MUNSIFF COURT, MAGISTRATE Exhibit P4 THE TRUE COPY OF THE AUCTION ADVERTISEMENT ORDER IN EXECUTION PETITION NO. 80 OF 2019 IN ORIGINAL SUIT NO. 328 OF 2015 ISSUED BY THE MUNSIFF MAGISTRATE COURT PONNANI. Exhibit P5 TRUE COPY OF THE PETITION TO RECALL

THE SALE PROCLAMATION AND TO ADJOURN THE AUCTION AND THE COMPLAINT AGAINST RULE 66 NOTICE FILED BY THE RESPONDENT BEFORE THE MUNSIF MAGISTRATE COURT, PONNANI IN EXECUTION PETITION NO. 80 OF 2019. Exhibit P6 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS TO DISMISS THE RESPONDENTS EXHIBIT P5 COMPLAINTS. Exhibit P7 THE TRUE COPY OF THE ORDER IN EXECUTION APPLICATION NO. 243 OF 2019 IN EXECUTION PETITION NO. 80 OF 2019 ..4.. IN ORIGINAL SUIT NO. 328 OF 2015 DATED 9TH DAY OF DECEMBER 2019 ISSUED BY THE MUNSIF MAGISTRATE COURT, PONNANI. Exhibit P8 THE TRUE COPY OF THE DIARY EXTRACT IN EXECUTION PETITION NO. 80 OF 2019 IN ORIGINAL SUIT NO. 328 OF 2015.

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