

Mulamoottil Consumer Credits Ltd. vs M/S Vision India Charitable Trust

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Court : Kerala

Decided On : Sep-16-2022

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP(C)/1656/2022

Appellant : Mulamoottil Consumer Credits Ltd.

Respondent : M/S Vision India Charitable Trust

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 16TH DAY OF SEPTEMBER 2022 / 25TH BHADRA, 1944 OP(C) NO. 1656 OF 2022 IN E.P. NO.77/2018 IN O.S.NO.140/2015 OF PRINCIPAL SUB COURT, PALAKKAD PETITIONER/DECREE HOLDER/ PLAINTIFF: MULAMOOTTIL CONSUMER CREDITS LTD. HAVING ITS HEAD OFFICE AT TC-9/1419 (1), TEMPLE ROAD, SASTHAMANGALAM, THIRUVANANTHAPURAM, PIN- 695010, REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR SRI. IDICULA ABRAHAM, AGED 60 YEARS, S/O LATE SRI. S. ABRAHAM, MUSEUM BAINS COMPOUND, NANTHANCOD, TRIVANDRUM, PIN- 695003., PIN - 695010

BY ADV THOMAS M.JACOB RESPONDENTS/ JUDGMENT DEBTORS/ DEFENDANTS: 1 M/S VISION INDIA CHARITABLE TRUST KEERTHY HOUSE, 13/635 (3), MANKAVU, MANKAVU P.O., PALAKKAD, KERALA, PIN:- 678013, REPRESENTED BY ITS CHAIRMAN. 2 VINO PAUL, AGED ABOUT 43 YEARS, S/O T. V. PAULOSE, THEKKUMKUDIYIL HOUSE, VALKULAMBU, KORENCHIRA P.O., PALAKKAD, PIN - 678684 3 T.V.PAULOSE, AGED ABOUT 67 YEARS, S/O T. P. VARGHESE, THEKKUMKUDIYIL HOUSE, VALKULAMBU, KORENCHIRA P.O., PALAKKAD, PIN - 678684 4 SHEENA PAUL AGED ABOUT 41 YEARS, D/O A. I. PAUL, AKKARAPATTY HOUSE, VADAKUMURI P.O., PERINGOTTUKARA, THRISSUR, PIN-680570., - :2:- 5 BABU M.P., AGED ABOUT 55 YEARS, S/O M. O. PAULOSE, MAMBILLY HOUSE, KOTTADY, KORENCHIRA P.O., PALAKKAD, PIN: 678684. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 16.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:3:- Dated this the 16th day of September,2022

JUDGMENT

The original petition is filed, to direct the Court of the Principal Subordinate Judge, Palakkad, to consider and dispose of E.P.No.77/2018 in O.S. No.140/2015 (Ext.P2) within a time frame.

2. Pursuant to the order dated 30.08.2022 passed

by this Court, the learned Principal Subordinate Judge, Palakkad, by communication dated 01.09.2022, has informed this Court that the execution petition stands posted for the counter affidavits of the respondents 1 to 3 to 27.07.2022. The court below would make an endeavour to dispose of the execution petition within four months from 27.10.2022.

3. Heard; Sri. Thomas M.Jacob, the learned

counsel appearing for the petitioner. Even though notice has been served on the counsel appearing for the respondents before the court below, there is no -:4:-

appearance for them. In the light of the pleadings and materials on record and after perusing the communication of the learned Principal Subordinate Judge, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I direct the Court of the Principal Subordinate Judge, Palakkad, to consider and dispose of E.P.No.77/2018 in O.S.No.140/2015, in accordance with law, as expeditiously as possible, at any rate, on or before 31.03.2023. The original petition is ordered accordingly. Sd/- C.S.DIAS,JUDGE
DST/16.09.22 //True copy/ P.A.To Judge -:5:- APPENDIX PETITIONER EXHIBITS
EXHIBIT P1 TRUE COPY OF THE DECREE DATED 16.12.2016 IN O.S. NO. 140 OF 2015 OF FIRST ADDITIONAL SUB COURT, THIRUVANANTHAPURAM.
EXHIBIT P2 TRUE COPY OF THE EXECUTION PETITION NO. 77 OF 2018 IN O.S. NO.140 OF 2015 IN THE FILE OF PRINCIPAL SUB COURT, PALAKKAD.
EXHIBIT P3 TRUE COPY OF THE OBJECTION DATED 13.3.2019 FILED BY THE 4TH AND 5TH

JUDGMENT DEBTORS.

RESPONDENTS EXHIBITS: NIL

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