

Appu@Ramakrishnan, vs Nisha

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Court : Kerala

Decided On : Feb-26-2021

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP (FC)/19/2020

Appellant : Appu@Ramakrishnan,

Respondent : NISHA

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MR.JUSTICE DR. KAUSER EDAPPAGATH FRIDAY, THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA, AGAINST THE ORDER/JUDGMENT IN OP 888/2012 OF FAMILY COURT, OTTAPPALAM PETITIONER:

APPU@RAMAKRISHNAN, AGED 43 YEARS, S/O NARAYANAN, PADINJAREPURACKAL HOUSE, MUNNURCODE P.O.THRIKKADERI, PALAKKAD DISTRICT, PIN-679 502. BY ADVS. SRI.B.S.SWATHI KUMAR SMT.ANITHA RAVINDRAN RESPONDENT: NISHA, D/O KUMARAN, THATTAMPAKKIL HOUSE, PANAMANNA

P.O.KOTHAKURISSI AMSON, DESOM, OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN-679 501. R1 BY ADV. SRI.R.SREEHARI THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 26-02-2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

Dated this the 26th day of February 2021 A.Muhamed Mustaque, J This original petition was filed challenging the execution proceedings in E.A No.118 of 2019 in E.P. No.13 of 2018 in O.P. No.888 of 2012 on the file of the Family Court, Ottapalam. The execution was laid by the respondent to realise a sum of Rs.3,40,800/- with interest, that was sought to be recovered through the sale of the immovable property belongs to the petitioner. Challenging this, the original petition was filed on 14.01.2020.

2. This Court on 5.02.2020 passed the

following order: Learned counsel for the petitioner/husband submits that he is prepared to pay the entire amount due under the decree on or before 31st March, 2020. Learned counsel for the respondent/wife also submitted that she wants money and not very much keen in selling the property. Heard the submissions. Post the case on 01-04- 2020. In the meantime, the petitioner shall clear off

all the liabilities under the decree. Interim order

is extended till 01-04-2020. ..3..

3. The learned counsel for the respondent

submits that, so far the decree amount has not been satisfied and the amount due is yet to be recovered from the petitioner. We do not find any reason to retain this matter as more than one year lapsed after the afore noted interim order. If the petitioner cannot discharge his liability under the decree, he should face the consequences of the execution proceedings. With the observations as above, this original petition is dismissed. A.MUHAMED MUSTAQUE KAUSER EDAPPAGATH

PR ..4.. APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE JUDGMENT IN OP NO FAMILY COURT, PALAKKAD EXHIBIT P2 TRUE COPY OF THE SETTLEMENT BETWEEN THE PETITIONER AND THE RESPONDENT DATED 15.7.2016 IN LOK ADALAT CASE PL NO 21/16 EXHIBIT P3 TRUE COPY OF THE EP NO 13/2018 IN OP NO 888/2012 DATED 7.5.2018 OF EXHIBIT P4 TRUE COPY OF THE ORDER IN EA NO EXHIBIT P5 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN EP NO 13/2018 IN OP NO 888/2012 DATED 31.5.2019 OF EXHIBIT P6 TRUE COPY OF THE DIARY EXTRACT IN EP 13/2018 IN OP 888/2013 OF THE

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