

Sadan vs William Jose

Sadan vs William Jose

SooperKanoon Citation : sooperkanoon.com/1796527

Court : Kerala

Decided On : Oct-14-2020

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : OP(C)/1271/2020

Appellant : SADAN

Respondent : William Jose

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
WEDNESDAY, THE 14TH DAY OF OCTOBER 2020 / 22ND ASWINA,
1942 AGAINST THE ORDER/JUDGMENT IN OS 671/1999 OF I
ADDITIONAL SUB COURT, ERNAKULAM
PETITIONER/PETITIONER/DECREE HOLDER/PLAINTIFF :- SADAN
AGED 55 YEARS S/O.THAMPI, RESIDING AT CHULIYANKARA
HOUSE, EROOR, THRIPIUNITHURA VILLAGE, THRIPIUNITHURA
POST, ERNAKULAM DISTRICT.

BY ADVS. SRI.P.CHANDRASEKHAR SRI.K.K.MOHAMED RAVUF
SMT.K.VIDYA SHRI.SATHEESH V.T.
RESPONDENTS/RESPONDENTS/JUDGMENT

DEBTOR/DEFENDANTS :- 1 WILLIAM JOSE S/O.LATE P.V.JOSEPH,PARAMBALOTH HOUSE, 2 THRESSIAMMA JOSE, AGED 79 YEARS W/O .LATE P.V.JOSEPH,PARAMBALOTH HOUSE, 3 LISSY JOSE, AGED 511 YEARS D/O.LATE P.V.JOSEPH,PARAMBALOTH HOUSE, 4 LEEN JOSE, AGED 49 YEARS S/O.LATE.P.V.JOSEPH,PARAMBALOTH HOUSE, 5 M/S.SINI AGENCIES, XXXV/2001,RAVIPURAM ROAD,ERNAKULAM, KOCHI-682016. 6 THE NATIONAL INSURANCE COMPANY LTD, REPRESENTED BY ITS BRANCH MANAGER, 27/XVI,MARKET JUNCTION,THRIPUNITHURA, ERNAKULAM DISTRICT-682301. R6 BY ADV. SRI.LAL GEORGE THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 14.10.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 14th day of October 2020 The decree holder in O.S.No.671/1999 pending before the First Additional Sub Court, Ernakulam has filed this Original Petition seeking the following reliefs :-

i) Direct the Court of the 1 st Additional Sub Court, Ernakulam to consider and pass orders on Exhibits P3 to P5 without any further delay and within a time frame as this Hon'ble Court may be pleased to fix; ii) Direct the 6th respondent to pay the amount due to the petitioner from the 6th respondent as per Exhibit P2 Decree without any further delay, forthwith; and iii) Pass such further order that this Hon'ble Court may be pleased to grant on the facts and circumstances of the above case.

2. In this O.P the 6th respondent, the Insurance

Company has already paid the amount by way of a cheque for the 5th respondent and the same has been accepted by this petitioner. As the relief sought for by the petitioner is for a direction for disposal of the Execution Petition, the decree as such stands satisfied with respect to respondent Nos.5 and 6 but not satisfied with

respect to the other respondents. The petitioner has filed Ext.P3, Execution Petition in the month of July, 2019 and the connected petitions are also pending right from July 2019.

3. The limited prayer sought for by the

petitioner is for a direction to the court below to dispose of Exts.P3 to P5 (Ext.P3- E.P.No.234/2019, Ext.P4 - E.A.No.605/2019 and Ext.P5 - E.A.No.604/2019) as expeditiously as possible. Therefore, the Court below is directed to dispose of all the above referred petition and applications within a period of two months from the date of receipt of a copy of this judgment. Accordingly, this O.P (c) is disposed of.

Sd/- SHIRCY V. SMA JUDGE APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT p1 A TRUE COPY OF THE JUDGMENT IN RFA NO.259/2003 DATED 21.06.2017 EXHIBIT P2 A TRUE COPY OF THE DECREE IN RFA NO.259/2003 DATED 21.06.2017 OF THIS HONOURABLE COURT. EXHIBIT P3 A TRUE COPY OF THE EXECUTION PETITION VIDE NO.E.P.NO.234/2019 FILED BEFOR THE SUB COURT OF ERNAKULAM. EXHIBIT P4 A TRUE COPY OF E.A.NO.605/2019 BEFORE THE SUB COURT,ERNAKULAM IN E.P.NO.234/2019 FILED BEFORE THE SUB COURT OF ERNAKULAM EXHIBIT P5 A TRUE COPY OF E.A.NO.604/2019 BEFORE THE SUB COURT ERNAKULAM IN E.P.NO.234/2019 FILED BEFORE THE SUB COURT OF ERNAKULAM. RESPONDENT(S)' EXHIBITS :- NIL //TRUE COPY// PA TO JUDGE