

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 28TH DAY OF SEPTEMBER 2012/6TH ASWINA 1934

OP(C).No. 3182 of 2012 (O)

EP.NO.292/2010 IN OS.16/2005 of I ADDL. MUNSIFF COURT I, NEYYATTINKARA

PETITIONER(S):

L.VINAYAN, S/O.LEKSHMANAN,,
PONGUVILA VEEDU, VENPAKAL
ATHIYANNOOR VILLAGE NEYYATTINKARA
THIRUVANANTHAPURAM.

BY ADV. SRI.V.SUNIL KUMAR (PANACHAMOODU)

RESPONDENT(S):

T.S.SOBHA, D/O. THANKAM,
KARUNYA, OLATHANNI, THIRUPURAM VILLAGE NEYYATTINKARA
THIRUVANANTHAPURAM- 695 121.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-09-2012, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1 - A TRUE COPY OF THE EXECUTION PETITION NO.292/2010 IN O.S. NO.16/2005 ON THE FILE OF THE ADDITIONAL MUNSIFF-I, NEYYATTINKARA.
- EXHIBIT-P2 - A TRUE COPY OF THE E.A.NO.962/2012 IN EXECUTION PETITION NO.292/2010 IN O.S. NO.16/2005 ON THE FILE OF THE ADDITIONAL MUNSIFF-I, NEYYATTINKARA.
- EXHIBIT-P3 - A TRUE COPY OF THE E.A.NO.43/2012 IN EXECUTION PETITION NO.292/2010 IN O.S. NO.16/2005 ON THE FILE OF THE ADDITIONAL MUNSIFF-I, NEYYATTINKARA.
- EXHIBIT-P4 - A TRUE COPY OF THE OBJECTION TO EXT.P3 APPLICATION.
- EXHIBIT-P5 - A CERTIFIED CARBON COPY OF THE ORDER DATED 10-9-2012 IN E.A.NO.43/2012 IN E.P. NO.292/2010 IN O.S. NO.16/2005 ON THE FILE OF THE ADDITIONAL MUNSIFF-I, NEYYATTINKARA.

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

OP(C) NO. 3182 OF 2012

Dated this the 28th day of September, 2012

JUDGMENT

The execution sale took place as early as on 24.10.2008. The application to set aside the sale on deposit was filed only on 12.01.2012. The period of limitation for filing an application under Order XXI Rule 89 of the Code of Civil Procedure is 60 days from the date of sale. There is no provision to condone delay in filing such an application by the judgment debtor. The order of the court below is affirmed and the Original Petition is hence dismissed.

This however will not disable the parties to mediate and arrive at an out of court settlement.

**V. CHITAMBARESH
JUDGE**

ncd