

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

OP(C).No. 1150 of 2015 (O)

EP.71/2014 IN OS.302/2013 OF MUNSIFF COURT, PERUMBAVOOR

PETITIONER(S)/(JUDGMENT DEBTOR):

1. MUHAMMED KUNJU, AGED 52 YEARS,
S/O KOCHUNNI, KANALIPARABIL HOUSE, OKKAL KARA
CHELAMATTOM VILLAGE, KUNNANTHUNADU TALUK, ERNAKULAM.
2. SUBAIDA, AGED 41 YEARS,
W/O. MUHAMMED KUNJU, KANALIPARABIL HOUSE, OKKAL KARA,
CHELAMATTOM VILLAGE, KUNNANTHUNADU TALUK, ERNAKULAM.

BY ADVS.SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS (INCHIPARAMBIL)

RESPONDENT(S)/(DECREE HOLDERS):

BENNY, AGED 43 YEARS,
S/O. PAPPACHAN, KOONATHAN HOUSE, OKKAL KARA
CHLAMATTOM VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 21-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

OP(C).No. 1150 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P-1 TRUE COPY OF EXECUTION PETITION IN EP NO. 71/2014 ON THE
FILES OF MUNSIFF'S COURT, PERUMBAVOOR.
- EXT. P-2 TRUE COPY OF OBJECTION OF THE JUDGMENT DEBTORS FILED IN
EPNO. 71/2014 ON THE FILES OF MUNSIFF'S COURT, PERUMBAVOOR.
- EXT. P-3 TRUE COPY OF ORDER DATED 4TH APRIL 2015 IN EP NO.71/2014 ON
THE FILES OF MUNSIFF'S COURT, PERUMBAVOOR.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COOPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
O.P.(C) No.1150 of 2015
.....

Dated this the 21st day of May, 2015

J U D G M E N T

Based on the agreement for sale of the plaint schedule property, a suit was filed by the plaintiff for the return of the advance money of ₹5,50,000/-. Ultimately the matter was referred to the Lok Adalath. The parties have agreed to settle the matter. The present petitioners, who are the judgement debtors, have agreed to return the advance money, and thereby an award was passed.

2. The judgement debtors have failed to comply with the award. The matter is put in execution. A portion of the amount was paid in instalments. Now the property is put to sale. The copy of the award has not been produced. This

Court is not aware of the terms of the award. When the amount was agreed to be paid in lump, it is not possible for the execution court to go beyond the terms of the award. There is absolutely nothing to interfere with the sale of the property at present for the recovery of the amount. Matters being so, this original petition is devoid of merits, and is only to be dismissed, and I do so.

In the result, this Original Petition is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge