

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

FRIDAY, THE 29<sup>TH</sup> DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943

FAO NO. 71 OF 2021

AGAINST THE ORDER DATED 16.07.2021 IN IA 1/2021 IN OS 7/2021 OF

SUB COURT, PATHANAMTHITTA

APPELLANT/COUNTER PETITIONER/DEFENDANT:

SATHEESH KUMAR.N.,  
AGED 55 YEARS,  
S/O.NANU PILLAI, USHA VILLA,  
MUNDAPPALLY, PERINGADU VILLAGE,  
PERINGADU P.O., PATHANAMTHITTA DISTRICT,  
PIN-691 523.

BY ADVS.  
ADITHYA RAJEEV  
GIRISH KUMAR M S

RESPONDENTS/PETITIONERS/PLAINTIFFS:

- 1 DINIL.C.K.,  
AGED 47 YEARS,  
S/O.KESAVAN, CHARUVILAPUTHEN VEEDU,  
VELLINALLOOR VILLAGE, KARINGANNOOR P.O.,  
KANNUR DISTRICT, PIN-691 516.
- 2 RATHEESHKUMAR,  
AGED 33 YEARS,  
S/O.RAJAN NAIR, PULICKAL KIZHAKKEDATHU VEEDU,  
AYROOR SOUTH, AYROOR VILLAGE, KANJEETTUKARA P.O.,  
PATHANAMTHITTA DISTRICT, PIN-689 611.
- 3 DINESHKUMAR,  
AGED 33 YEARS,  
S/O.BALAN NAIR, KANNAMOOTTIL VEEDU,  
AYROOR SOUTH, AYROOR VILLAGE, KANJEETTUKARA P.O.,  
PATHANAMTHITTA DISTRICT, PIN-689 611.
- 4 PRASOBH M.NAIR,  
AGED 31 YEARS,  
S/O.K.P.MOHANAN, KOODATHIL VEEDU,  
KALLOOPPARA VILLAGE, KALLOOPPARA P.O.,  
PATHANAMTHITTA DISTRICT, PIN-689 583.

- 5      **MANU.V.,  
AGED 32 YEARS,  
S/O.VIDHYADHARAN, VALIYAPARAMPIL VADAKKETHIL  
VEEDU, VETTIYAR VILLAGE, ARUNOOTTIMANGALAM P.O.,  
ALAPPUZHA DISTRICT, PIN-690 110.**
  
- 6      **BUINUKUMAR,  
AGED 42 YEARS,  
S/O.RAMACHANDRAN PILLAI, KAILASAM VEEDU, ERATHU  
VILLAGE, CHOORAKKODU P.O., PATHANAMTHITTA  
DISTRICT, PIN-691 551.**
  
- 7      **SREEJITH G.PILLAI,  
AGED 37 YEARS,  
S/O.GOPALAKRISHNA PILLAI, MUTTATHUTHARAYIL VEEDU,  
KATTACHIRA, BHARANIKKAVU VILLAGE, PALLICKAL P.O.,  
ALAPPUZHA DISTRICT, PIN-690 503.**

**THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR  
ADMISSION ON 29.10.2021, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:**

**JUDGMENT**

The appeal came up for admission today. It is against the order of attachment which was made absolute after hearing both the parties at the trial stage, i.e. under Rule 5 of Order XXXVIII C.P.C. No security was furnished. The suit is one for recovery of money and attachment was made absolute finding that the apprehension is well placed. No other property available with the defendant was brought to the notice of the court so as to satisfy the decree that may be passed. Hence, it appears that the order of attachment deserves no interference. Nothing was brought to the notice of this Court so as to admit the appeal on file. Hence, the appeal is dismissed in limine.

**Sd/-****P. SOMARAJAN****JUDGE**