

OP(C) No.1648 of 2021

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944

OP(C) NO. 1648 OF 2021

**TO DISPOSE OF EA NO.1/2021 IN EP 51/2019 IN OS 11/2014 OF
MUNSIFF COURT,ALUVA**

PETITIONER/S:

LALITHAMBIKA
AGED 64 YEARS
W/O. LATE MOHANAN, NJARAKKATTU HOUSE,
POIKKATTUSSERY KARA, NEDUMBASSERY VILLAGE, ALUVA,
PIN-683111.
BY ADVS.
T.KRISHNANUNNI (SR.)
VINOD RAVINDRANATH
MEENA.A.
K.C.KIRAN
M.R.MINI
M.DEVESH
ASHWIN SATHYANATH
ANISH ANTONY ANATHAZHATH
THAREEQ ANVER K.

RESPONDENT/S:

- 1 RADHAMANI AMMA,AGED 69 YEARS
W/O. PRABHAKARAN NAIR, KONGANATTU HOUSE,
POIKKATTUSSERY KARA, NEDUMBASSERY VILLAGE, ALUVA,
PIN-683111.
- 2 RENJITH,AGED 43 YEARS
S/O. PRABHAKARAN NAIR, KONGANATTU HOUSE,
POIKKATTUSSERY KARA, NEDUMBASSERY VILLAGE, ALUVA,
PIN-683111.
- 3 RENJINI, AGED 39 YEARS
D/O. PRABHAKARAN NAIR, KONGANATTU HOUSE,
POIKKATTUSSERY KARA, NEDUMBASSERY VILLAGE, ALUVA,
PIN-683111.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
31.01.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.S DIAS,J.

OP(C) No.1648 of 2021

Dated this the 31st day of January, 2023.

JUDGMENT

The original petition is filed to direct the Court of the Munsiff, Aluva, to consider and dispose of EA No.1/2021 in EP No.51/2019 in OS No.11/2014, within a time frame.

2. Pursuant to the order dated 16.1.2023 passed by this Court, the learned Munsiff, by communication dated 23.1.2023, has informed this Court that EP No.51/2019 was filed on 8.4.2019. The original decree-holder died and his legal representative has been impleaded in the execution petition. Three execution applications have been filed by the decree-holder and EA No.141/2019 has been filed by the judgment-debtor. The execution petition is posted to 1.11.2022. The judgment-debtor has submitted that the execution petition is stayed. The same stands posted to 1.4.2023 for production of the stay order. The court below

requires six months' time to dispose of the execution petition.

3. Heard; Smt.Meena.A, the learned counsel appearing for the petitioner. Even though service is complete on the respondents, there is no appearance for them.

4. In the light of the pleadings and materials on record and after perusing the communication of the learned Munsiff, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I direct the Court of the Munsiff, Aluva, to consider and dispose of all pending applications in EP No.51/2019 and the execution petition, in accordance with law, as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a certified copy of the judgment. It is made clear that there is no interim order of stay passed by this Court in the matter till date.

The original petition is ordered accordingly.

SD/-

sks/31.1.2023

C.S.DIAS, JUDGE

APPENDIX OF OP(C) 1648/2021

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE COMPROMISE DECREE DATED
29.10.2018 IN O.S.11/2014 ON THE FILES
OF THE MUNSIFF COURT ALUVA.
- Exhibit P2 TRUE COPY OF THE EXECUTION PETITION
NO.51/2019 FILED ON MARCH 2019 IN
O.S.NO.11/2014 ON THE FILES OF THE
MUNSIFF COURT, ALUVA.
- Exhibit P3 TRUE COPY OF E.A.1/2021 DATED 9.9.2021
IN E.P.51/2019 IN O.S.11/2014 ON THE
FILES OF THE MUNSIFF COURT, ALUVA.