

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946

OP(C) NO. 1187 OF 2023

IN EP NO.81 OF 2022 OF MUNSIF COURT, KODUNGALLUR

PETITIONERS/JUDGMENT DEBTORS/DEFENDANTS:

- 1 SREELAL, AGED 47 YEARS
S/O SIVANPILLA, THEKKEDATHUPARAMBIL HOUSE, KAROOR
MADAM DESOM, LOKAMALESWARAM VILLAGE, KODUNGALLUR
THALUK, THRISSUR DISTRICT, PIN - 680664
- 2 SREEKUMAR , AGED 49 YEARS
S/O SIVANPILLA, THEKKEDATHUPARAMBIL HOUSE, KAROOR
MADAM DESOM, LOKAMALESWARAM VILLAGE, KODUNGALLUR
THALUK, THRISSUR DISTRICT, PIN - 680664
- 3 MANOJKUMAR
AGED 49 YEARS
S/O CHANDRAN, PLASSERY HOUSE, ASAN NAGAR DESOM,
LOKAMALESWARAM VILLAGE , KODUNGALLUR TALUK,
THRISSUR DISTRICT, PIN - 680664
- 4 JOSHY
AGED 44 YEARS
S/O .JAGADEESAN, KARYEZHATH HOUSE, ANCHAPPALAM
DESOM, METHALA VILLAGE , KODUNGALLUR TALUK ,
THRISSUR DISTRICT, PIN - 680669

BY ADVS.

K.S.RAJESH

M.SHAJU PURUSHOTHAMAN

O.P.(C).No.1187/2023

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RESPONDENT/DECREE HOLDER/PLAINTIFF:

CHERAMAN KURIES PRIVATE LIMITED
KODUNGALLUR TOWN,LOKAMALESWARAM
VILLAGE,KODUNGALLUR TALUK ,REPRESENTED BY IT'S
MANAGING DIRECTOR SHAJI .K.B ,AGED 50 YEARS ,
S/O.KOTHAYIL BALAKRISHNAN ,LOKAMALESWARAM
VILLAGE ,KODUNGALLUR TALUK, PIN - 680664

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J U D G M E N T

The petitioners are the judgment debtors and the respondent is the decree holder in E.P.No.81/2022.

2. E.P.No.81/2022 has been filed to realise the arbitration award in Award No.845/2019. The total decree amount is ₹1,32,000/-. The amount claimed in E.P.No.81/2022 is ₹2,00,753/-. It is submitted by the learned counsel for the petitioners that some payments have been made in instalments. The counsel further submits that the petitioners are prepared to clear the entire debt in ten equal monthly instalments. It is seeking that limited relief, this original petition has been filed.

Having heard both sides, this original petition is disposed of, granting opportunity to the petitioner to clear the entire amount due in six equal monthly instalments, starting from 1/7/2024. The subsequent instalments shall be remitted on the 5th day of every succeeding months. In case of default on the part of the petitioners in payment of any of the instalments, the aforesaid

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facility shall stand cancelled, upon which the respondent/decreed holder will be at liberty to proceed with the recovery proceedings. Subject to the above direction, the recovery proceedings in E.P.No.81/2022 shall be kept in abeyance.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

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APPENDIX OF OP(C) 1187/2023

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE EXECUTION PETITION EP 81/2022 DATED 22.1.2022
Exhibit P2	A TRUE COPY OF THE RECEIPT DATED 13.6.2022 FOR RS.12, 000/-
Exhibit P3	A TRUE COPY OF THE RECEIPT DATED 29.07.2022 FOR RS.5000/
Exhibit P4	A TRUE COPY OF THE RECEIPT DATED 24.09.2022 FOR RS.5000/-
Exhibit P5	A TRUE COPY OF THE RECEIPT DATED 25.10.2022 FOR RS.5, 000/-
Exhibit P6	A TRUE COPY OF THE RECEIPT DATED 22.11.2022 FOR RS.5, 000/-
Exhibit P7	A TRUE COPY OF THE RECEIPT DATED 21.01.2023 FOR RS.5, 000/-
Exhibit P8	A TRUE COPY OF THE RECEIPT DATED 20.03.2023 FOR RS.5,000/-
Exhibit P9	A TRUE COPY OF THE ORDER DATED 21.3.2023 IN EP 81/2022 IN AWARD 845/2019OF THE MUNSIFF COURT,KODUNGALLUR