

IN THE COURT OF PRINCIPAL MUNSIF,
THIRUVANANTHAPURAM

Present: Sri. T. Sanju, Principal Munsiff

Tuesday 24th day of March, 2015/3rd Chaithra, 1937

E.A. 210/2015 and E.A.212/2015 in E.P. 210/2011 in
RCP No. 54/2009

E.A. 210/2015 in E.P. 210/2011 in RCP No. 54/2009

Petitioner/Judgment Debtor/Respondent/Claim Petitioner:

Indira Sreedharan Nair, D/o Parukuty Amma,

Aged 56 years, T.C. 36/1373, Perunthanni, Pettah Village,

Thiruvananthapuram.

By Adv. Sri. K.B Imtiaz Muhmmmed.

Counter Petitioner/Decree Holder/Petitioner:

N.S. Sajitha, D/o Nalinakshi Amma, V.P. 1/1197,

Karikothil, Pallimukku, Peyad P.O., Thiruvananthapuram.

By Adv. Sri. V. Suresh

E.A.212/2015 in E.P. 210/2011 in RCP No. 54/2009

Petitioner/Judgment Debtor/Respondent/Claim Petitioner:

Indira Sreedharan Nair, D/o Parukuty Amma,

Aged 56 years, T.C. 36/1373, Perunthanni, Pettah Village,

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By Adv. Sri. V. Suresh

These petitions having been finally heard on 17-03-2015 and the court on 24-03-2015 passed the following.

COMMON ORDER

1. E.A.210/2015 has been filed by the judgment debtor/tenant for keeping the delivery proceedings in abeyance till her obtaining stay after preferring appeal before the Hon'ble High Court against the order of this Court in E.A.534/2012 dtd.13/3/2015. E.A.212/2015 has been filed to set aside the order of this Court dtd.17/3/2015 whereby delivery was ordered to be effected and to re-hear the E.P.
2. No objection is seen filed by the decree holder.
3. I heard learned counsel for both sides.
4. E.A.210/2015 is per se not maintainable, because there is no requirement to re-hear the E.P as the judgment debtor had argued the maintainability of the E.P in E.A.534/2012. But a reasonable time can be granted to the petitioner so as to

appeal against the order of dismissal in E.A.534/2012 dated 13/3/2015.

5. In the result, E.A.210/2015 is allowed. E.A.212/2015 is dismissed. The order dtd.17/03/2015 is kept in abeyance until the expiry of 30 days from the notification of the carbon copy of the order in E.A.534/2012.

Dictated to the C.A. Transcribed and typed by her, corrected by me and pronounced in the open court on this the 24th day of March, 2015.

**T. Sanju,
Principal Munsiff.**

APPENDIX

Nil.

Principal Munsiff.

Typed by:SK

Compared by:

FCS:

COPY OF COMMON ORDER IN EA.210/2015
AND EA.212/2015 IN E.P.210/2011
IN RCP.54/2009
DATED 24..03...2015