

IN THE COURT OF PRINCIPAL SUB JUDGE, NORTH PARAVUR

Present:- Smt. Wincy Ann Peter Joseph, Principal Sub Judge

Tuesday the 29th day of October, 2024/07th Karthika, 1946

I.A. No.2/2024 in I.A.11/2019 in O.S. No.237/2016

Claim Petitioner:-

Riyas P.M., S/o. Muhammadali, Pulikkalath House,
Manjali Kara, Karumalloor Village, Paravur Taluk,
Ernakulam District, Mannam P.O., Pin - 683 520.

By Advs. Balaji M. Krishnan & K. Narayanan

Respondents/Plaintiff/Defendants 1,2, and 5 to 7:-

1. Mohammed Asaraf, S/o. Abdul Khadir, Kavumkada, Munambam Muri, Kuzhupilly Village, Kochi Taluk, Ernakulam District.
2. Douloth Asaraf, W/o. Mohammed Asaraf, Kavumkada, Munambam Muri, Kuzhupilly Village, Kochi Taluk, Ernakulam District.
3. Sasidharan, S/o. Prabhakara Menon, residing at Brahmani Veetil, H. No. 48/390, Cochin Corporation, Elamakkara Kara, Edappally South Village, Kanayannoor Taluk, Elamakkara P.O., Pin – 682 026.
4. Jayalakshmi, W/o. Sasidharan, residing at Brahmani Veetil, H.No. 48/390, Cochin Corporation, Elamakkara Kara, Edappally South Village, Kanayannoor Taluk, Elamakkara P.O., Pin – 682 026.
5. Anitha, D/o. Appukuttan Nair, H. No.VI/73, Santha Mandiram, Paravoothara Muri, Paravur Village, Paravur Taluk, Ernakulam District – 683 513.
6. Asha Prasanna Kumar, D/o. P. Appukuttan Nair, residing at Opp. Govt. L.P.B. School, Educational Sub District Ground, Kannan Kulangara, Thattukadavu Road, North Paravur – 683 513.

7. Ashok alias Anil, S/o. P. Appukuttan Nair, Residing at LANISHE, Vennala Kara, Vennala P.O., Edappally South Village.

D1 & D2:- By Adv. M.G. Jeevan,

D3 to D5:- By Adv. Shalini Krishnakumar,

D6 & D7:- By Adv. C.S. Sunilkumar Pai.

This petition filed Under Section 151 of the Code of Civil Procedure, 1908, to pass a clarification order regarding the property included in attachment Order in I.A. No.11/2019 dated 09.04.2019. Communicate the order to the Sub Registrar Office, N. Paravur and Village Office N. Paravur.

This petition having been finally heard on 29.10.2024 and the court on the same day passed the following:-

ORDER

This is a petition filed by the Claim Petitioner. Seeking clarification in Order No.11/2019 dated 09.04.2019.

Heard. Learned Counsel appearing for the respondent/plaintiff submit that plaint was filed against D1 and D2 seeking main reliefs. Only as an alternative relief, plaintiff sought relief against D3 to D5. On the date of list, D1 and D2 was exparte and there by exparte judgment and decree was passed against D1 and D2 and suit against D3 to D5 dismissed. When D1 and D2 approached the court to setting aside exparte decree and Judgment, the court allowed the same and pleased set aside exparte decree against D1 and D2 and restore suit against D3 to D5. The attachment

petition originally filed was closed when suit against D3 to D5 was dismissed. When suit against D3 to D5 restored automatically attachment also revived. Attachment sought only against the property of D3 and D4. But, since the property of D5 is situated in the very same survey number, the order effected D5 negatively. Hence, this petition filed. It is seen that the respondent/plaintiff has filed an affidavit stating that plaint schedule item No.1 property in IA. No.11/2019 has no connection with the properties covered by the Deed No. 1639/2013. On the basis of the averments in the affidavit, I am inclined to grant this petition.

In the result, I.A. allowed and it is clarified that order in I.A No.11/2019 dated 09.04.2019 has no connection with the property covered by Sale Deed No. 1639/2013 of Sub Registrars Office Paravur, of the claim petition herein. Communicate Order to Village Office and Sub Registrar's Office Concerned.

Pronounced by me in open court, this the 29th day of October, 2024.

Wincy Ann Peter Joseph,
Principal Sub Judge.

Appendix:-Nil

Principal Sub Judge.

Typed By: Jagadeeswari M.V.
Com. By:Swapnamol

ORDER IN
I.A. No. 2/2024 in
I.A. No.11/2019 in
O.S.No.237/2016
DTD 29.10.2024