

IN THE COURT OF THE MUNSIF, PERUMBAVOOR

Present:- Sri. Antony Shelman K.A.

Wednesday, the 10th day of July, 2019/19th Ashadha, 1941

E.A. No.128/2019 in E.P. No.91/2017
in
O.S. No.8/2014

Petitioner/Judgment Debtor:-

Latha, aged 41 years, D/o Gangadharan,
Thenkunnel Veettil, Kurichilakkodu Kara, Kodanad
Village.

By Adv. Mytheen.M.Pareeth.

Respondent/Decree Holder:-

Sara Sebastian, aged about 53 years, W/o
Sebastian, Edampadath Veettil, Mazhuvannoor
Kara, Airapuram Village.

By Adv. T.N.Arunkumar.

This petition having been finally heard before me on 10.7.2019
and the Court on the same day passed the following:-

ORDER

Heard both sides. Though no objection is seen filed by Decree Holder, counsel for Decree Holder opposed this petition, contending that this petition is a rouse to protract the Execution proceedings. Heard the counsel for petitioner. The main allegation is that a part of the property, out of the property ordered to be sold will be sufficient for realizing the decree debt. Hence this petition is filed to review the order directing the sale of the entire schedule of property such in proclamation schedule.

It should be noted Judgment Debtor appeared in the above Execution Petition R.66 Notice on 5.10.2017. Thereafter though case was posted for filing objection. But not filed. On 22.5.2018 counsel for Judgment Debtor sought time for payment. But not paid. On 19.7.2018 counsel for Judgment Debtor submitted that no instruction from the Judgment Debtor. It is thereafter when the above case was posted for settlement of proclamation, father of the Judgment Debtor filed a claim petition as E.A.163/18. That petition was dismissed for default on 27.2.2019. It was on 27.2.2019 proclamation in the above Execution Petition was settled. As the extent of property is only 1.62 Are, and the market value of property as reported by Village Officer is ₹. 1,32,000/- per Are, entire 1.62 Are was ordered to be sold. There upon the property was once sold in auction on 11.4.2019. But that, sale was not accepted by this court as the sale was conducted at a price much lower than the existing decree debt. Thereafter this court directed the office to sell the property again. It was also directed to start the auction at a price equal to the actual decree debt and the known liabilities on the property as on the date of sale. Accordingly the sale is posted to this day.

It is on this day alone the Judgment Debtor through a new counsel has filed this petition to review the order of sale of the property shown

in the sale proclamation. At the outset this petition lacks bonafides on the Judgment Debtor had not opposed the Execution Petition by filing an objection prior to this date. Several proceedings were taken in the Execution Petition. Even Judgment Debtor's father has filed a claim petition when the property was about to be ordered to be sold. The very irresponsible attitude of Judgment Debtor in conducting the cause and putting blame on the former counsel can only be construed as a rouse to protract the execution of the decree, by one way or the other. Further it should be noted that the above decree is a compromise decree. There are no ground existing for reviewing the order of this court ordering sale. Hence this petition is dismissed with costs.

Pronounced by me in the open court on this the 10th day of July, 2019.

Sd/-
ANTONY SHELMAN K.A.,
MUNSIFF.

APPENDIX
NIL

Id/-
MUNSIFF.

(By Order)

// True Copy //

Junior Superintendent

PPJ.
Comp.by:

Copy of Order in E.A.No.128/2019 in E.P.No.91/2017 in O.S.No.8/2014	
Dated:	10.7.2019