

**IN THE COURT OF THE SUBORDINATE JUDGE,
KOTTARAKKARA**

Present: Sri. Shanavas. A (Civil Judge, Senior Division)

On Monday, the 1st day of December 2025 /10th Agrahayana 1947.

E.A 1/2025

in

EA 2/2021

in

EP 17/2017

in

OS 137/2007

Between

Petitioner/Additional Judgment Debtor 7 & 8:-

1. V. Rajendran, Sree Nilayam,
Power House Road, Tholikkodu Muri,
Punalur Village.
2. Prabhavathy, Sree Nilayam,
Power House Road, Tholikkodu Muri,
Punalur Village.

By Adv: Sri. Tom Jacob.

And

Respondents/Decree Holders/Judgment Debtors:-

1. C. Radhakrishnan, Charuvila Veedu,
Tholikkodu Muri, Punalur Village.

2. Remadevi, W/o Babukuttan,
Krishna Bhavan, Tholikkodu Muri,
Punalur Village (**Died**).
3. Sonia Babu, Krishna Bhavan,
Tholikkodu Muri, Punalur Village.
4. Sarath Babu, Krishna Bhavan,
Tholikkodu Muri, Punalur Village.
5. Bhargaviyamma, Krishna Bhavan,
Tholikkodu Muri, Punalur Village(**Died**).
6. Gopalakrishnan, Krishna Vihar,
Punalur Muri, Punalur Village.
7. Kunjumol Thomas, Peniel Home,
Elikattoor Muri, Piravanthoor Village,
Pathanapuram Taluk.

By Adv: Sri. Sankar.S.Nair for JD7

&

Adv: K. Raveendrakumar for JD1.

This Execution application filed for impleading Additional JD7 and 8, coming on for hearing before me on 01/12/2025, the court on the same day passed the following:

ORDER

This is an order in a petition filed under Order I Rule 10 (2) of the Code of Civil Procedure, 1908 for impleading the petitioners are the additional respondent No. 7 and 8 in EA 2/2021, the claim petition.

2. Petitioner's case in brief is as follows:- The petitioner is the judgment debtor No. 7 in the execution petition. Judgment debtor No. 8 is the mother of judgment debtor No. 7 and the petitioner. The petitioner filed this petition on behalf of the judgment debtor No. 8 also. The petitioners are the legal heirs of deceased Babu Kuttan, Krishna Bhavan, Tholikodu, Punalur Village. He had died on 22/09/2006. Respondent No. 2 to 6 are entitled to get money from deceased Babu Kuttan. The petitioner being the plaintiff and respondent No. 2 to 5 are being the respondents filed OS 165/2009 and mother of the petitioner being the plaintiff and respondent No. 2 to 5 are the defendants filed OS 166/2009 before this court and the property was in this case was attached and the suit was disposed in favour of the petitioner. Another suit was filed as OS 22/2007 against the legal heirs of deceased Babu Kuttan that was decreed in favour of plaintiff in that case. The petitioner filed EP 17/2014 before this court and mother of the petitioner also filed another EP before this court as EP 18/2014. The respondent No. 7 filed another EP as EP 2/2012 before this court. The 7th respondent auctioned the property of deceased Babu Kuttan. Accordingly sale certificate bearing No. 3/2016 was given to the petitioner. Thereafter another sale certificate in favour of the mother of the petitioner as sales certificate No.4/2016 and yet another Sale certificate No. 3/2014 was issued to 7th respondent. Again the EP was filed for delivery of the property. Accordingly as per the sales certificate the property was delivered to 7th respondent. The deceased Babu Kuttan had liability towards the petitioner and some other

respondents. So that his property liable for his debt. The property worth more than ₹ 1 Crore. By suppressing the material facts from this court 7th respondent bid in auction for ₹ 6,36,988/- . The sale certificate itself shows that the amount to be given to the respondent No.1 was ₹ 6,36,988/-. EA 2/2021 filed by additional judgment debtor no.6. The petitioner herein has serious disputes with the claim of the petitioner in EA 2/2021. So that the petitioner herein has to be impleaded in the execution application. Therefore the petitioner sought for impleading as 7th and 8th respondents in the EA 2/2021.

3. The respondents did not file any objection.

4. Heard both sides. EA 2/2021 filed by judgement debtor No. 6 stating that the attachment made in the property is claimed is sought to be declared as not binding. In this regard the learned counsel for the petitioner highlighted two orders of this court that is Order in EA 34/2018 in EP 18/2014 dated 10/02/2021 and also EA 32/2018 in EP 17/2014 dated 10/02/2021. So in both the orders the petition were allowed. The attachment allowed by this court was vacated. However it can be seen that the petitioners being the judgement debtor No. 7 and 8 in this petition, they have to be heard before passing any orders in EA 2/2021. It is true that the EA 2/2021 on the final stage. Still an opportunity to be given to the petitioners to get impleaded them as the additional respondent No. 7 and 8 in this petition in the interest of justice. I am inclined to allow this petition.

In the result, the petition stands allowed. The petitioners are impleaded as additional respondent No. 7 and 8 in EA 2/2021 . Office is directed to carry out the impleadment.

(Dictated to the confidential assistant, typewritten by her, corrected and pronounced in open court on this 1st day of December 2025).

Sd/-

Civil Judge (Senior Division)

Appendix: -Nil.

Sd/-

Civil Judge (Senior Division).

Typed by : Binu.S

Compd. by: Shinu Chandran.