

IN THE COURT OF THE SUBORDINATE JUDGE, KARUNAGAPPALLY

Present:- Sri.Santhosh Das, Civil Judge (Senior Division), Karunagappally

Friday the 13th day of March, 2026/ 22nd day of Phalguna, 1947.

EA.01/26 in EP. 12/2017 in OS.557/2012

Between

Petitioner/

Decree Holder:-

Housing and Urban Development
Corporation Limited,
Regional Office, Hudco Nivas,
Saphalyam Complex, 2nd Floor,
Palayam, Thiruvananthapuram-695024.
Rep. by its Joint General Manager (Law),
Sreevidhya.S.

(By Adv.Shri.S.Sajeeb).

And

Judgment Debtor:- T.J.Mathew, aged 55 years,
Shelter, Puthenthura.P.O.,
Karunagappally.

(By Adv.Shri.Muhammed Ameer).

This Execution petition coming on for hearing on 13.03.2026 and on the same day the Court passed the following:-

ORDER

1. EA.01/2026 is the cheque application filed by the Decree Holder for getting released the amount of ₹ 2,00,000/-

deposited by the Judgment Debtor, and no objection is seen endorsed by the Counsel for the Judgment Debtor.

2. The Judgment Debtor had moved Hon'ble High Court against the sale steps in the above EP by way of OP (C) No. 2482 of 2025, and Hon'ble High Court vide order dated 10.10.2025 stayed the further proceedings for a period of two months subject to the condition that the Judgment Debtor deposits an amount of ₹ 2,00,000/- with the Execution Court within a period of one month. That condition was complied by the Judgment Debtor and the amount was accordingly deposited. Later, vide order dated 08.01.2025 Hon'ble High Court extended the interim stay in OP (c) 2482/2025 by one month on condition that the Judgment Debtor shall pay a further sum of ₹ 2,00,000/- within three weeks. However, that condition was not complied by the Judgment Debtor, and accordingly the decree holder was directed to take fresh steps for sale.
3. It is at this juncture that the above EA is filed by the decree holder seeking the issuance of a cheque for getting the release of the amount of ₹ 2,00,000/- deposited by the Judgment Debtor for the conditional stay. Though, the Counsel for the Judgment Debtor had endorsed no objection on the face of the application, the said Advocate pointed out that OP (c) 2482/2025 is pending consideration before Hon'ble High Court and that application for extension of the interim stay is also filed before Hon'ble

High Court.

4. As OP (c) 2482/2025 is pending before the Hon'ble High Court, and as the above ₹ 2,00,000/- was deposited by the Judgment Debtor in terms of the order of Hon'ble High Court, for the interim stay, I am afraid that judicial decorum warrants that the release of the above amount to the decree holder for his appropriating the same towards the decree debt needs the sanction of Hon'ble High Court.
5. Therefore, instant EA stands dismissed, and decree holder may take steps.

Dictated to the Typist, typed by him corrected and pronounced by me in open Court on this the 13th day of March, 2026.

Sd/-
Santhosh Das,
Civil Judge (Senior Division).

Appendix:- Nil.

Id/-
Civil Judge (Senior Division).

//True Copy//

Typed by : Sunil Kumar.S
Compared by: Sini.G

Civil Judge (Senior Division).