

**IN THE COURT OF THE MUNSIFF OF KANNUR**

Present: Sri.Manikandan.C.K, Principal Munsiff, Kannur,  
Friday, the 27<sup>th</sup> day of March, 2026 (6<sup>th</sup> Chaithra, 1948)

**EP.293/2025 in ARC.586/2014**

Secretary, Kannur District Bus Transport ]  
Employees Sahakarana Sangam, Kannur, 670001. ] Petitioner

Vs.

Sreejith P.P, S/o.Sadanandan.P, aged 47 years, ]  
Puthiyapurayil House, Macheri, P.O.Mowancheri, ] Respondent  
Kannur District, 670613. ]

This petition coming on this day for hearing before me in the presence of S/Sri.A.V.Sajith Kumar and Beena.E.T, Advocates for petitioner; Sri.K.Shaju, Advocate for respondent and the court passed the following:-

**ORDER**

This is an EP filed for realization of an amount of Rs.17,625/- and mode of execution is arrest and detention.

2. The Rule 22 notice was issued to the respondent and the same was received by the respondent. Thereafter Rule 37(1) notice was also served to the respondent through his son. Thereafter the respondent/JD entered appearance through counsel and filed counter stating that he has no job or income. In short, the respondent pleaded no means to pay the decree amount as per the counter dated 21-11-2025. On 21-11-2025, this court directed the decree holder to take steps to prove means of judgment debtor and case was posted to 19-12-2025. On 19-12-2025, no steps was taken to prove the means of the judgment debtor and again the case was posted to 2-2-2026 to prove the

means of JD as last chance. On 2-2-2026, no steps was taken by the decree holder to prove the means of JD and case was again posted to 12-3-2026 by giving chance to the decree holder to prove the means of JD as no further time. On 12-3-2026, the petitioner was absent represented and direction was given to the decree holder to file application under Order 21 Rule 41 (2) of CPC and case was posted to 23-3-2026. On that date there was no representation on the side of the petitioner and no application under Order 21 Rule 41 (2) of CPC was filed . Again the case was posted to 25-3-2026 by giving direction to the decree holder to file application under Order 21 Rule 41 (2) of CPC and also to take steps to prove the means of JD. On 25-3-2026, both parties were absent represented and no evidenced was adduced by the decree holder to prove the means of JD.

3. On going through the records, it can be seen that the JD entered appearance through counsel and taken a plea of no means. In spite of four opportunities given to the decree holder to take steps to prove the means of JD, decree holder did not take any steps to prove the means of JD. It is pertinent to note that this is an EP filed in the year 2025. There are directions given by the Apex Court to dispose the execution petition expeditiously. Moreover that the decree holder had earlier filed EP 116/2020 and the same was also dismissed by this court on 28-5-2022, since no evidence was adduced by the decree holder to prove the means of JD. The absence of petitioner without any reasons show that the petitioner/decreed holder is not interested in proceeding with the above execution petition. There is no reason for the absence of the decree holder before court to prove the means of JD. Hence I am of the view that

giving further time to the decree holder to prove the means of JD will not serve any purpose. Under these circumstances, I am of the view that the above execution petition can be dismissed for default. This order of dismissal of the above execution petition will not preclude the decree holder to file a fresh execution petition subject to the limitation period.

**In the result,**

The execution petition dismissed for default.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 27<sup>th</sup> day of March, 2026).

Sd/-

PRINCIPAL MUNSIFF

// True Copy//

PRINCIPAL MUNSIFF

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Fair/ Spare Order in EP.293/2025 in  
ARC.586/2014, Dt: 27.03.2026.