

IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA

Present:- Smt. Athira Nair., Munsiff.

Monday, the 18th day of August, 2025/ 27th Sravana, 1947.

EP No.462/2018 IN OS No.294 OF 2015

P. Mohanan, S/o. Gopalan Nair, Aged 60 Years, Pensioner, Residing at 'Pullattummal', P.O.Kadavathur, Thalassery Taluk -670676]]]]	Petitioner/ Plaintiff/ DH
Vs.		
Ammed, S/o. Abdu, Aged 63 Years, Business, Residing at 'Kunnummakandiyil House', P.O.Kadavathur, Thalassery Taluk.]]]	Respondent/ Defendant/ JD

This petition coming on the 8th day of August, 2025 for final hearing before me in the presence of S/Sri. K. Ranjith & A. Shanas, Advocates for the Petitioner ; of Sri. C.V.A. Latheef, Advocate for the Respondent and having stood over for consideration till this day; the court passed the following:

ORDER

This is a petition filed by the decree-holder under Order XXI Rules 37 and 38 and 64 of the Civil Procedure Code for the execution of the award obtained against the respondent.

2. The EP is for the realisation of ₹ 12,41,201/- (Rupees Twelve Lakh Forty-One Thousand Two Hundred and Twenty-One only) through the attachment and sale of the petition schedule property. The petition schedule property comprises four items. Item No.1 is 6.5 cents of property. Item No.2 is 16.25 cents of property. Item No.3 is 4 cents of property, and Item No.4 is an undivided half share of the respondent's right in a house. According to the DSP presented before this court, the petitioner seeks the sale of Item Nos.2 and 4 of the

petition schedule. As per the fair value certificate submitted by the petitioner, the fair value for Item No.2 is ₹.1,14,840/- (Rupees One Lakh Fourteen Thousand Eight Hundred and Forty only) per Are. The fair value of Item No.4 is ₹.1,58,400/- (Rupees One Lakh Fifty-Eight Thousand Four Hundred only). Even when calculated at the fair value fixed by the government, the valuation of Item No.2 being 6.5 Ares at ₹ 1,14,840/- per Are would amount to ₹ 7,54,498/- (rupees Seven Lakh Fifty-Four Thousand Four Hundred and Ninety-Eight only). However, as per the DSP presented, the value is ₹ 1,50,000/- (Rupees One Lakh Fifty Thousand only). The valuation for Item No. 4 is similarly shown as ₹.2,30,000/- (Rupees Two Lakh Thirty Thousand only). The total valuation of the property would be more than that. Hence, this Court is of the opinion that the property is to be valued properly. Hence, the petitioner is directed to file a fresh DSP

(Dictated to Adalat-A1, arranged in proper form by Confidential Assistant, corrected and pronounced by me in open court, this the 18th day of August 2025).

Appendix:- Nil.

kps.

Sd/-
MUNSIFF

Sd/-
MUNSIFF

Fair/Copy of Order in
EP No.462/2018 in
OS No.294/2015.

Dated: 18-08-2025.