

**IN THE COURT OF THE MUNSIFF OF KUTHUPARAMBA**

Present:- Smt. Athira Nair., Munsiff.

Monday, the 15<sup>th</sup> day of December, 2025/ 24<sup>th</sup> Agrahayana, 1947.

**EP No.767/2023 IN OS No.378 OF 2019.**

Kerala Gramin Bank, Kallikandy Branch, Kallikandy, Represented by its Manager and Principal Officer.		] ] ]	Plaintiff
Vs.			
1.	Muhammed Rafi.C.K., aged 41 years, S/o.Moosa, Chembukuzhuyil House, Thrippangottur amsom desom, Kallikandy (PO), Thalassery Taluk, Kannur District.	] ] ] ] ]	Defendants
2.	Latheesh.K.N., aged 42 years, S/o.Balan, Kandal Nirathiyathi, Chettakandy, Thrippangottur amsom desom, Kallikandy (PO), Thalassery Taluk, Kannur District.	] ] ] ] ]	

This petition coming on the 1<sup>st</sup> day of December, 2025 for final hearing before me in the presence of Sri. V.P. Thankachan, Advocate for the Petitioner ; of Sri. Jithin. S. Sundaran, Advocate for the Respondents and having stood over for consideration till this day ; the court passed the following:

**ORDER**

This is a petition filed under Order 21 Rule 37 of CPC, 1908.

2. **Petitioner's Case:-** This execution petition is filed for realisation of ₹.5,50,039/- (Rupees Five Lakh Fifty Thousand and Thirty Nine only) with interest thereon. The respondent appeared and paid ₹.40,000/- (Rupees Forty Thousand only), but thereafter no further payment was made. Hence, an enquiry was conducted. On the

petitioner's side, PW1 was examined and Ext. A1 was marked. The respondents did not adduce any evidence.

3. Point for Consideration:

1. *Whether the respondents have sufficient means to pay the debt, and whether the petition is allowable?*

4. As regards Respondent No. 1, though allegations were raised that he is conducting a business, no reliable evidence has been produced to substantiate his means. The petitioner has failed to prove sufficient means of Respondent No. 1. Hence, the EP against Respondent No. 1 is liable to be dismissed.

5. As regards Respondent No. 2, PW1 has deposed that he is working as a driver with a monthly income of ₹.25,000/- (Rupees Twenty Five Thousand only). Ext. A1, a certified copy of a registered document, is produced showing property belonging to Respondent No. 2. This evidence remains unchallenged. I am satisfied that Respondent No. 2 has sufficient means to discharge the decretal debt but has wilfully defaulted.

**In the result**, the EP is dismissed as against Respondent No. 1. The EP is allowed as against Respondent No. 2. Issue Arrest Warrant against the Respondent No. 2.

(Dictated to Adalat-A1, arranged in proper form by Confidential Assistant, corrected and pronounced by me in open court on this day, the 15<sup>th</sup> day of December 2025).

Sd/-  
**MUNSIFF**

**Appendix:-****Petitioner's Witnesses:-**

PW1 : Smt.Dally Mol. N.M, Bank Manager.

**Plaintiff's Exhibits:-**

A1.	09-12-2009	Certified Copy of Document No. 1271/2009 of SRO, Kallikandy.
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**Respondent's Witnesses:-** Nil.

**Respondent's Exhibits:-** Nil.

**Court Exhibits:-** Nil.

Sd/-  
MUNSIFF

*kps.*

Fair/Copy of Order in  
EP No.767/2023 in  
OS. 378/2019.

Dated: 15-12-2025.