

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,  
KOTTAYAM**

Present: Sri. Manoj M., Principal District Judge

Wednesday, the 5<sup>th</sup> day of November, 2025  
14<sup>th</sup> day of Karthika, 1947

**I.A. No.2/2025 in A.S. No.160/2023**

(I.A. No.1/2021 in O.S. No.172/2021 of the Munsiff's  
Court, Changanacherry)

**Petitioners:-**

- 1 Sreekandan Nair, aged 77 years,  
S/o. Parameswaran Nair, residing at  
Lakshmi Vihar House, Champakkara P.O.,  
Champakkara Muri, Karukachal Village,  
Changanacherry Taluk, Pin 686540.
- 2 Unnikrishnan Nair, aged 70 years,  
S/o. Parameswaran Nair, residing at  
Lakshmi Vihar House, Champakkara P.O.,  
Champakkara Muri, Karukachal Village,  
Changanacherry Taluk, Pin 686540.
- 3 Sivaraman Nair, aged 68 years,  
S/o. Parameswaran Nair, residing at  
Lakshmi Vihar House, Champakkara P.O.,  
Champakkara Muri, Karukachal Village,  
Changanacherry Taluk, Pin 686540.
- 4 Kishore Kumar, aged 40 years,  
S/o. Balakrishnan Nair, residing at  
Lakshmi Vihar House, Champakkara P.O.,  
Champakkara Muri, Karukachal Village,  
Changanacherry Taluk, Pin 686540.
- 5 Krishnakumar, aged 38 years,  
S/o. Balakrishnan Nair, residing at  
Lakshmi Vihar House, Champakkara P.O.,  
Champakkara Muri, Karukachal Village,  
Changanacherry Taluk, Pin 686540.

6 Vijayalakshmi, aged 60 years,  
W/o. Balakrishnan Nair, residing at  
Lakshmi Vihar House, Champakkara P.O.,  
Champakkara Muri, Karukachal Village,  
Changanacherry Taluk, Pin 686540.

By Adv. S. Anil

**Respondent :-**

T.M. Naseer, aged 51 years,  
S/o. Muhammed Kunju Rawther, residing at  
Thazhathedathu House, Kangazha P.O.,  
Kangazha Muri, Kangazha Village,  
Changanacherry Taluk, Pin 686541.

By Adv. Sajeesh Shajahan & Adv. Nithin M.K.

Petition filed under Section 151 of Code of Civil Procedure.

This petition is filed for lifting the attachment ordered in I.A 1/2021 in O.S 172/2021 dated 10.08.2021 of Munsiff Court, Changanacherry.

This Petition coming up on for final hearing on 30.10.2025 and the Court on 05.11.2025 passed the following:-

**ORDER**

This is an application filed under Sec.151 of the Code Of Civil Procedure by the petitioner / appellant / defendant to pass an order to modify the attachment ordered in I.A. No.1/2021 in O.S. No.172/2021 dated 10.08.2021, by which the entire extent of 1.59 acres of property was attached and to limit the attachment to 29 cents of the property alone, as described in the schedule herein.

**2.** The case of the petitioner is that, in the trial court, where the suit for recovery of money was filed by the respondent / plaintiff, an order of attachment was passed in respect of 1.59 acres of property valued at Rs.1,75,000/- per cent, while the decree amount with interest comes to only Rs.9,42,000/-. The attached property would fetch a value much higher than the decree debt. The value of 29 cents of property alone is sufficient to satisfy the decree and hence the attachment with respect to the remaining extent may be lifted and the attachment order passed by the trial court may be modified.

**3.** The learned counsel for the petitioner had also filed valuation certificate with respect to the attached property comprised in Resurvey Nos.214/17 and 214/18 of Karukachal Village. As per the valuation certificate, the value of the property comprised in resurvey Nos.214/17 and 214/18 of Karukachal Village is 2,64,000/- per are, fixed by the Government of Kerala.

**4.** In the above circumstances, I am satisfied that the decree, which may eventually be passed in favour of the plaintiff, can be satisfied by attaching only a portion of the attached property. Therefore, it is not necessary to attach the entire property and the order of attachment passed in I.A. No.1/2021 in O.S. No.172/2021 dated 10.08.2021 can be modified accordingly.

Copy of Order in  
I.A. No.2/2025  
in A.S. No.160/2023

Dated : 05.11.2025

5. In the result, this application is allowed. The order of attachment passed in I.A. No.1/2021 in O.S. No.172/2021 dated 10.08.2021 on the file of the Munsiff's Court, Changanacherry, is modified. The attachment over the entire extent of 1.59 acres of property comprised in Re-survey Nos.214/17 and 214/18 of Karukachal Village is hereby lifted and the attachment is limited to 29 cents of property situated on the southern side of the said 1.59 acres.

Issue order and communicate to S.R.O. concerned.

*Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 5<sup>th</sup> November, 2025.*

Sd/-  
**Manoj M.**  
**District Judge**

**APPENDIX : NIL**

Id/-  
**District Judge.**

// True Copy //

Copied by :

Compared by :

Sd/-  
**Manoj M.**  
**District Judge**