

IN THE COURT OF THE SUB JUDGE, PALA

Present:- Smt. Rajasree Rajgopal , Sub Judge

Friday 10th day of October 2025

18th day of Aswina 1947

EA 4/2024

in

EP 52/2016

**Petitioner/
Decree Holder:-**

Mini Somy, aged 51, W/o Somy Kuruvila,
Vadakemuriyil House, Talappalam Village,
Meenachil Taluk, Kottayam.

By- Adv. K Karget

**Respondents/
Judgment Debtors:-**

1. The Pala Marketing Co-operative Society Ltd.No.4214, Pala, Kottayam.
2. The Managing Director, Pala Marketing Co-operative Society Ltd. No .4214, Pala, Kottayam.
3. President, Pala Marketing Co-operative Society Ltd. No.4214, Pala, Kottayam.
4. Secretary, Pala Marketing Co-operative Society Ltd. No.4214, Pala, Kottayam.
5. Manager, Deposit Division, Pala Marketing Co-operative Society Ltd. 4214 ,Pala, kottayam.

By- Adv. Lali Abraham.

This Petition is coming up for consideration on 10.10.2025 and the court on the same day passed the following:-

ORDER

This petition is filed under Sections 151 and 73 of the Code of Civil Procedure by the Decree Holder in E.P. No.52 of 2016 seeking consolidation of various execution petitions pending before this Court against the same Judgment Debtors, the Pala Marketing Co-operative Society Ltd. No.4214, and its office-bearers.

2. The Petitioner submits that she is the Decree Holder in E.P. No.52 of 2016, which arises from the award dated 20.04.2016 in A.R.C. No.1320 of 2015 passed by the Learned Arbitrator, Office of the Assistant Registrar (General), Pala. The award entitles her to recover ₹17,19,527/- with 12% interest per annum from 31.03.2016 till realization.

3. It is submitted that several other Decree Holders have obtained similar awards against the same Judgment Debtors for non-repayment of their deposits and have filed separate execution petitions before this Court, all of which have resulted in attachments over the same or overlapping items of immovable property belonging to the Judgment Debtors.

4. The petitioner has produced a detailed statement showing the particulars of all the connected E.P.s, including E.P. Nos. 47/2020, 48/2020, 49/2020, 50/2020, 51/2016, 51/2020, 52/2016, 52/2020, 53/2016, 53/2020, 54/2016, 54/2020, 55/2020, 57/2020, and 1/2017, along with the corresponding A.R.C. numbers, names of Decree Holders, survey numbers of attached properties, and the respective amounts outstanding.

5. The petitioner contends that multiple attachments on the same or contiguous items of property have caused practical difficulty in conducting separate sales, ascertaining the saleable interest, and determining the proportionate satisfaction of each decree. Hence, it is prayed that all the execution petitions be consolidated and proceeded with jointly, so as to enable a single proclamation and sale of the attached properties, and to facilitate rateable distribution of the sale proceeds among all decree holders in terms of Section 73 of the CPC.

6. Notice of this petition was duly served on the Judgment Debtors. No counter has been filed opposing the prayer for consolidation. The office report and the records show that all the above execution petitions are pending before this Court

against the same Judgment Debtors and that several of the attachments cover common items of property.

7. Upon perusal of the records, this Court finds that the execution petitions arise out of separate awards passed by the same Co-operative Arbitration authority, that the Decree Holders are different depositors of the same Society, and that the Judgment Debtors are identical in all cases. Since attachments have been ordered over common items, separate proclamations and sales in each execution would lead to procedural duplication, conflicting valuations, and unnecessary delay.

8. Under Section 73 of the Code of Civil Procedure, when assets are held by the Court and multiple decree holders are entitled to rateable distribution, the Court is empowered to consolidate the proceedings to ensure equitable distribution and procedural economy. The inherent powers preserved under Section 151 CPC further empower this Court to make such orders as may be necessary for the ends of justice and to prevent abuse of process.

9. Therefore, this Court is of the considered view that consolidation of the aforementioned execution petitions is both legally permissible and practically expedient. It would facilitate a single proclamation and sale of the attached properties, ensure accurate determination of the value, avoid multiplicity of proceedings, and permit rateable distribution of proceeds among all decree holders.

In the result, the petition is allowed.

1. E.P. Nos. 47/2020, 48/2020, 49/2020, 50/2020, 51/2016, 51/2020, 52/2016, 52/2020, 53/2016, 53/2020, 54/2016, 54/2020, 55/2020, 57/2020, and 1/2017 pending before this Court are hereby consolidated with E.P. No.52/2016, which shall be treated as the leading case for all further proceedings.

2. The Court Amin is directed to prepare a common statement of attachments and to verify the present status of encumbrances over the properties concerned.
3. The Court shall thereafter proceed to issue a joint proclamation of sale covering the consolidated execution petitions, stating the total amount due to all the decree holders.
4. The sale proceeds shall be held in Court and distributed rateably among all the decree holders in proportion to their respective decree amounts as per Section 73 CPC, after deduction of necessary expenses.
5. The E.P. No.53/2016 shall be posted as the leading matter for all subsequent steps.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 10th day of October, 2025.

Sd/-
Rajasree Rajgopal
Sub Judge

APPENDIX: Nil

Id/-
Sub Judge

Typed by: Manju
Compd by: Sini

Rajasree Rajgopal
Sub Judge