

**IN THE COURT OF THE SUB JUDGE, ATTINGAL
PRESENT: SRI. ARSHAD KHAN A.R, SUB JUDGE, ATTINGAL
TUESDAY 30th JULY, 2024/8th SRAVANAM, 1946**

EP. 3/2024 in O.S. 89/1981

Decree Holder:

1. Devadasan, S/o Govindan, Kuzhivila Veedu,
Oomen Pallickara, Pazhayakunnummel from Varuthuru
Veedu, Chootayil, Kilimanoor.(died)

Addl. DH 2. Lalitha Mani, W/o Devadasan, Lissy Bhavan, Pulippara,
Oomen Pallickara, Pazhayakunnummel Village,
Kilimanoor (died).

Addl. DH 3. Minimol , aged 53, D/o Devadasan Lissy Bhavan, Pulippara,
Oomen Pallickara, Pazhayakunnummel Village
Kilimanoor.

Addl. DH 4. Deysi, aged 51 , D/o Devadasan, Lissy Bhavan, Pulippara,
Oomen Pallickara, Pazhayakunnummel Village,
Kilimanoor.

Addl. DH 5. Deepa T Dharan, W/o Bensigar, Power of attorney Holder
of Bensigar, age 49, S/o Devadasan of do..do...

By Adv.: Shri. S. Shibukumar.

Judgment debtor:

Babu , aged 68, S/o Raghavan, Charuvila Veedu,
Kuravankuzhi, Pazhayakunnummel Desom,
Pazhayakunnummel Village.

By Advocate :Sri. A.Sabeer

This petition having been finally heard by the Court on 30th July,
2024 and on the same day the Court passed the following order.

Order

1. The suit was decreed on 28-10-2020. Decree holders filed this application to execute the decree against 3rd defendant alone. The 3rd defendant was directed to surrender vacant possession of the plaint schedule property and was further directed to dismantle the unauthorised constructions made in the plaint schedule property . Decree holders want to execute the aforesaid part of the decree against the 3rd defendant.

2. 3rd defendant filed affidavit stating that he surrendered the property on 05-11-2020 itself and the hut existed in the plaint schedule property was crumbled.

3 . Since the judgment debtor surrendered vacant possession and there is nothing remains to remove as per the mandatory direction. Full satisfaction of the decree is hereby recorded.

4. Counsel for the decree holders expressed a concern that revenue authorities may insist for delivery kychit for making necessary changes in the revenue records. The question of delivery through court emerges only when the decree is not honoured by the judgment debtor. Once the decree is honoured by the judgment debtor there is no need to go for delivery of the property through the process of the court, that too only to satisfy the quest of the revenue authorities. If the decree is satisfied and the said fact is recorded by a competent civil court, that is the best proof to make changes in the revenue records. Needless to say, revenue authorities

are bound to honour the finding of the Civil court without insisting for any further proceedings. On making proper application with copy of this order, the revenue authorities are bound to make necessary changes in the revenue records as if delivery was effected through the process of the court.

5. Full satisfaction is recorded and proceedings in the E.P stand closed.

(Dictated to C.A, transcribed and typed by him, corrected and pronounced by me in Open Court, on this the 30th day of July 2024).

ARSHAD KHAN.A.R
SUB JUDGE, ATTINGAL

APPENDIX:

Nil

SUB JUDGE

Typed by: Nowsharudheen.S
Compared by:

Copy of order in **E.P 3 of 2024**
in O.S 89 of 1981
30-07-2024