

STATE OF KERALA
IN THE SUBORDINATE JUDGE'S COURT, ERNAKULAM
Present:

Smt. Reshma Sasidharan, Additional Sub Judge - II

Friday, the 16th day of June, 2023/26th Jaishtha, 1945

EA No.345/23 in EP 983/21 in OS No. 528/2008

Petitioner/ VALSAN JEROME, S/o Rockey, Aged 62 years,
Judgment Debtor panakkaparambil House, Thevara Desom, Ernakulam, Kochi-682013

Party in Person

Respondent/ 1 Rockey (Died)
Decree Holder

2 ANTONY TITUS, S/o Rockey, Panakkaparambil House, Thevara Desom, Elamkulam Village, Kanayannur Taluk, 'Rock Nivas' Mulavarikal Road, Konthuruthy, Kochi-682913.

3 JULIET Ruban @ SHIBU, S/o Rockey, Panakkaparambil House, Thevara Desom, Elamkulam village, Kanayannur Taluk, 'Rock Nivas' Mulavarikal Road, Konthuruthy, Kochi-682913.

4 DOLLY, D/o Rockey panakkaparambil House, Thevara Desom, Elamkulam village, Kanayannur Taluk. Now residing at Chakal;a Colony, Perumanoor, Kochi-682015.

5 SAYARI, S/o Rockey, panakkaparambil House, Thevara Desom, Elamkulam village, Kanayannur Taluk. Now residing at Thykoodam punithura Village.

By Advs. M.P Ramnath, P. Rajesh Kottakkal, Varghese Varghese M., Sandhya. S, Bepin Paul, Shalu Varghese, Deepak S., & Antony Tharian

This petition filed under Section 151 of the Code of Civil Procedure, to depute a surveyor to assist the Amine to effect delivery of respective shares and grant Three months time to me to vacate the plaint schedule building wherein myself and my family are residing.

This petition coming before me on 16.06.2023 and the Court on the same day passed the following :

ORDER

Both sides represented. Heard both sides. This petition is filed by the Judgment Debtor to depute a Surveyor to assist the Amin to effect delivery of the respective shares of the parties. The petitioner also seeks three months time to vacate the building in the scheduled property where he is currently residing along with his family.

EA No. 65/2022 was filed by the Decree Holder in this EP seeking the assistance of a surveyor for effecting delivery on 15.01.2022 and the same was allowed.

Hence I think no need to consider this petition in the respect to that prayer. With respect to the other prayer already sufficient time was granted to the petitioner and his family to vacate the premises. On 15.01.2022 the EA No. 65/22 was allowed and since then due to one or several reasons the delivery of the property was not effected. Hence after hearing both sides elaborately and after considering the detailed counter affidavit filed by the Decree Holders I am of the view that there is no point in considering the prayer of the petitioner to allow more time to vacate the property. Hence this petition is dismissed. No costs.

Pronounced by me in open Court, on this the 16th day of June, 2023.

Sd/-

Reshma Sasidharan
Additional Sub Judge – II

Appendix : Nil

Id/-

Additional Sub Judge – II

Typed by :JJ
Comp.by :

ORDER
in EA 345/2022
in EP 983/2021

in OS 528/2008
Dated: 16/06/2023