

IN THE COURT OF PRINCIPAL MUNSIFF,
THIRUVANANTHAPURAM

Present : Sri. Mithun Gopi.G.S, Principal Munsiff.
On Tuesday 25th day of June, 2024/ 4th Ashada, 1946

EA.No.592/2023 in EP.No. 210/2011 in RCP.No.54/2009

Petitioner/Decree Holder:-

N.S Sajitha, aged 59 years,
D/o Nalinakshi, residing at 1/1197,
Pallimukku, Peyad,
Thiruvananthapuram.

By Adv. Sri. V. Suresh

Counter Petitioner/Judgment Debtor:-

Indira Sreedharan Nair,
D/o Parukkutty Amma,
T.C 36/1373, Vallakkadavu.P.O,
Thiruvananthapuram

By Adv. Sri. K.B.Imtiaz Mohammed

This Execution Application is having been finally heard on
25..06..2024 and the court on the same day passed the following.

ORDER

Petition filed under Order XI R.2(7) of the Code of Civil
Procedure Code,1908 (herein after referred to as “CPC”).

2. This petition is filed by the decree holder for setting aside the interrogatories delivered by the judgment debtor to her on 4th September 2023.

3. Heard the learned counsel for the petitioner and the judgment debtor in person.

4. The only point to be considered is whether the petition can be allowed or not?

5. **The point:-** The learned senior counsel appearing for the petitioner argued that the interrogatories submitted by the judgment debtor is only liable to be set aside. According to him the same is filed only with an intention to delay the execution of the decree. *Per Contra*, the judgment debtor wants this court to direct the decree holder to answer the interrogatories. During the course of argument, this court asked about the date of filing of the interrogatories by the judgment debtor as the same is not seen in the case bundle. The learned senior counsel for the petitioner argued that he had filed this petition since, he received a copy of the application on 04th September 2023.

During the fag end of the argument the judgment debtor submitted that he does not know whether his former counsel has filed such an application before this court.

6. On perusal of the court records, it can be seen that no application is seen filed by the judgment debtor under Order XI CPC till date. Hence, this court is of the view that this petition is only liable to be dismissed and resultantly, I order so.

In the result; the petition is dismissed. No costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 25th day of June, 2024.)

Sd/-
Mithun Gopi.G.S
Principal Munsiff

APPENDIX: Nil

Id/-
Principal Munsiff

//True Copy//

Principal Munsiff

Typed by:Anooja
Compared by:
FCS:

True Copy of ORDER IN

EA.No.592/2023 IN EP.No.210/2011

IN RCP No.54/2009

Dated 25/06/2024