

ITEM NO.35

COURT NO.17

SECTION XI-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13534/2026

[Arising out of impugned judgment and order dated 19-11-2025 in  
RSA No. 1463/2012 passed by the High Court of Kerala at Ernakulam]

VIJAYAKUMARI

Petitioner(s)

VERSUS

SARASAM &amp; ORS.

Respondent(s)

[ ONLY IA NO. 159552/2026 IS LISTED UNDER THIS ITEM ]  
IA No. 159552/2026 - STAY APPLICATION

Date : 21-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) Mr. V. K. Biju, AOR  
Mr. Atul Tripathi, Adv.  
Ms. Anjali Mishra, Adv.

For Respondent(s) Mr. Renjith B. Marar, Adv.  
Ms. Lakshmi N. Kaimal, AOR  
Mr. Arun Poomulli, Adv.  
Mr. Harsh Vardhan Shyam, Adv.  
Ms. Jeby Mather, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

IA No. 159552/2026 in SLP(C) No(s). 13534/2026

1. Heard Mr. V. K. Biju, learned counsel for the applicant and Mr. Arun Poomulli, learned counsel for respondent nos.1 &
2. The application highlight a shocking state of affairs. When the Special Leave Petition came up for hearing on 10.04.2026, this Court made the following order.

*"1. Delay condoned.*

*2. Issue notice returnable in four weeks.*

*3. In the meantime, the parties shall maintain status quo as regards the nature, character and possession of the suit property."*

3. As would be clear while notice was issued returnable in four weeks, the order of *status quo* was directed to continue in the meantime as regards the nature, character and possession of the suit property.

4. It transpires from the records that Execution Petition bearing No.EP/300168/2012 was taken up before the Additional Munsif Court 1, Neyyattinnkara, Trivendrum, Kerala (for short, 'Trial Judge') and an order has been passed to the following effect:-

*"Proceedings: decree holder Represented. debtor represented. JD produced order of Hon'ble Apex Court in SLP (civil) Diary No. 17699/2026, dated 10/04/26. Matter stayed for 4 weeks from 10/04/26. Hence as of now for now there is no stay and also learned counsel for JD submitted no stay order in force, Hence this court can safely proceed with the EP, Hence once again Amin is deputed to execute the work, For report to 26/05/26. Next Date: 26 May 2026."*

5. We are told by learned counsel for the applicant that the above order of the Trial Judge is of 19.05.2026.

6. The Trial Judge has totally failed to understand the true purport of the order made by this Court on 10.04.2026. He has recorded that the stay was only to operate for four weeks and that on the date he was making the order there was no stay.

Thereafter, he proceeds to direct the Amin to execute the work.

7. We stay the operation of the order passed by the Trial Judge (Executing Court) as extracted above.

8. We stay all further proceedings in Execution Petition bearing No.EP/300168/2012.

9. Let this order passed by this Court today, be communicated to the concerned Court through email by the Registry of this Court.

10. Let the copy of order dated 10.04.2026 as well as today's order passed by this Court, be sent to the Registrar General, High Court of Kerala at Ernakulam.

11. The Registrar General of the High Court of Kerala may on receipt of the order, place the same before the Hon'ble Chief Justice of High Court of Kerala at Ernakulam.

12. With the above observations, IA No.159552/2026 is disposed of.

(NIRMALA NEGI)  
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)  
COURT MASTER (NSH)