

(2023) 08 KL CK 0208

In the High Court Of Kerala

Case No : Original Petition (C) No. 1625 Of 2023

Anil Kumar

APPELLANT

Vs

Ravi

RESPONDENT

Date of Decision : 22-08-2023

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2023) 08 KL CK 0208

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

Advocate : Vinoy Varghese Kallumoottill, Roja R., Amrin Fathima, K.A.Noushad, Kavya P.R., Micky Antony Rohan

Final Decision : Disposed Of

Judgement

C. S. Dias, J

1. The original petition is filed to direct the Court of the Munsiff, Kodungallur, to consider and dispose of E.A.No.518/2023 in E.P.No.1622/2019, expeditiously.
2. Pursuant to the order dated 08.08.2023 passed by this Court, the learned Munsiff, by communication dated 17.08.2023, has informed this Court that E.A.No.518/2023 is filed to modify the order dated 12.06.2023 passed by the court, so as to avoid the attachment of the salary of the judgment debtor No.3 and to attach only the salary of the judgment debtor No.2 at the rate of Rs.20,000/- per month. The E.A. stands posted for counter and hearing to 22.08.2023. The court below would dispose of the Execution Petition itself within a period of three months.
3. Heard; Sri. Vinoy Varghese Kallumoottill, the learned counsel appearing for the petitioner and Smt. Amrin Fathima, the learned counsel appearing for the respondents 1 to 3. In view of the limited relief that I propose to pass, I dispense with notice to the respondents 4 & 5.

4. Having considered the pleadings and materials on record and after perusing the communication of the learned Subordinate Munsiff, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I am inclined to order the original petition.

Resultantly, I order the original petition as follows:

(i) The Court of the Munsiff, Kodungallur, is directed to consider and dispose of E.A.No.518/2023 in E.P.No.1622/2019, in accordance with law and as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment, after affording the parties an opportunity of being heard.

(ii) It would be up to the respondents 1 to 3 to file their objections to E.A.No.518/2023 in the meantime.

(iii) It is made clear that this Court has not expressed anything on the merits of E.A.No.518/2023.