

Kerala High Court

Kodanathu Mubaseer vs The Secretary on 22 December, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

CRP.No. 607 of 2009()

1. KODANATHU MUBASEER, AGED 30,  
... Petitioner

Vs

1. THE SECRETARY, PARAPPANANGADI CO-OP;  
... Respondent

2. NAMBANKUNNATH HAMZA, S/O. MOIDEENKUTTY

3. KODANATHU AYOOB, S/O. MUHAMMED, ULLANAM,

For Petitioner : SRI.K.K.MOHAMED RAVUF

For Respondent : SRI.K.P.SUDHEER

The Hon'ble MR. Justice S.S.SATHEESACHANDRAN

Dated : 22/12/2009

O R D E R

S.S.SATHEESACHANDRAN, J.

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C.R.P.NOS.607 & 608 OF 2009 (C)  
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Dated this the 22nd day of December, 2009

O R D E R

C.R.P.No.607 of 2009 is filed by the 1st respondent in E.P.No.118 of 2006 in A.R.C.No.1753/04-05 of the Sub Court, Tirur. C.R.P.No.608 of 2009 is filed by the 1st respondent in E.P.No.128 of 2006 in A.R.C.No.1754/04-05 on the file of the Sub Court, Tirur. After considering both the execution petitions together, as regards the plea of no means canvassed by the judgment debtors resisting the execution, the execution court ordered for issuing warrant against them. Propriety and correctness of that common order issued against them is challenged by the respective petitioners in their

revision petitions.

2. At the time of admitting the revisions, both of them, the respective revision petitioners were directed to deposit a C.R.P.NOS.607 & 608 OF 2009 sum of Rs.30,000/- within the time limit fixed towards the decree debt due. That order has not been complied with.

3. I heard the counsel for the revision petitioners. Perusing the impugned common order passed by the learned Sub Judge, I find no reason to interfere with the personal execution ordered against the revision petitioners directing the issue of warrant for their arrest and detention in civil prison to realise the decree debt. The execution court has found on the materials placed that the petitioners have sufficient means, but, still they are wilfully avoiding the discharge of decree debt. Warrant ordered against the petitioners in such circumstances is proper and correct. Both revisions lack merit, and hence, dismissed.

S.S.SATHEESACHANDRAN JUDGE prp