

**(2024) 04 KL CK 0031**

**High Court Of Kerala**

**Case No:** Original Petition (C) No. 843 Of 2024

K.S. Roopeshkumar

APPELLANT

Vs

Mani Sarmilakumari

RESPONDENT

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**Date of Decision:** April 3, 2024

**Hon'ble Judges:** Dr. Kauser Edappagath, J

**Bench:** Single Bench

**Advocate:** M.P.Ramnath, P.Rajesh, K.J.Sebastian, M.Varghese Varghese, Uma R.Kamath, S.Sandhya, Bepin Paul, Shalu Varghese, S.Deepak, Antony Tharian, Pooja Krishna K.B.

**Final Decision:** Disposed Of

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### **Judgement**

Dr. Kauser Edappagath, J

1. The petitioners are the additional defendants in O.S.No.14/2000 on the file of Munsiff Court, Attingal (for short, 'the trial court'). The respondents are the plaintiffs and the remaining defendants.

2. There is a connected suit as O.S.No.204/2000. Both suits were tried together and a common judgment was passed. The petitioners herein preferred two appeals as Exts.P2 and P3 before the Sub Court, Attingal. The Sub Court dismissed those appeals on 23/03/2024. The Execution Petition preferred by the plaintiffs/decreed holders was already pending before the trial court as E.P.No.2/2019. It is submitted by the learned counsel for the petitioners that because of the pendency of the appeal, E.P. was kept in abeyance. Now, the grievance of the petitioners is that on the next day of disposing of the appeals, the execution court took up E.P. and ordered delivery. The Execution Petition now stands posted to 06/04/2024 for delivery. The counsel further submits that he has already applied for certified copy of the judgment and the petitioners intend to prefer a second appeal.

3. Having heard the learned counsel for the petitioners, the trial court is directed to keep in abeyance the Execution Petition till the certified copy of the judgment in appeal is received and also for a further period of ten days thereafter.

The original petition is disposed of as above.