



2026:KER:24771

OP(C) NO. 3314 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 19TH DAY OF MARCH 2026 / 28TH PHALGUNA, 1947

OP(C) NO. 3314 OF 2025

ORDER DATED 03.06.2025 IN EA 97/2025 IN EP NO.240 OF
2022 OF MUNSIF COURT, PERUMBAVOOR IN OS NO.539 OF 1984 OF
MUNSIF COURT, PERUMBAVOOR

PETITIONERS/PETITIONERS/DECREE HOLDERS 3 AND 4:

1 SUBHADRA
AGED 74 YEARS
D/O.SANKARAN NAIR,
KANNATTU HOUSE,
MALAYIDAMTHURUTHU KARA,
KIZHAKKAMBALAM VILLAGE,
ERNAKULAM, PIN - 683561

2 AMBIKA
AGED 70 YEARS
D/O.SANKARAN NAIR,
KANNATTU HOUSE,
MALAYIDAMTHURUTHU KARA,
KIZHAKKAMBALAM VILLAGE,
ERNAKULAM, PIN - 683561

BY ADVS.
SRI.AJITH VISWANATHAN
SRI.P.VISWANATHAN (SR.)
SHRI.SHIBU JOSEPH
SHRI. SAYED MANSOOR BAFAKHY THANGAL
SMT.VRINDA BABU
SHRI.SARATH VISWANATHAN
SHRI.AMAN MANZOOR
SHRI.KEVIN JOSE SHIBU
SHRI.JOSEPH FRANCIS



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RESPONDENTS/RESPONDENTS/JUDGMENT DEBTORS AND OBSTRUCTORS:

- 1 KALUKURUMBAN (DIED)
S/O.KODUNGALI,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM,, PIN - 683105
- 2 KUMARAN (DIED)
S/O.KALUKURUMBAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 3 THEVAN (DIED)
S/O.KALUKURUMBAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 4 AYYAPPAN
AGED 80 YEARS
S/O.KALUKURUMBAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 5 CHANDRAN
AGED 77 YEARS
S/O.KALUKURUMBAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 6 KALUKURUMBA (DIED)
S/O.KALUKURUMBAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105



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- 13 VALSA
AGED 50 YEARS
D/O.KUMARAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 14 MINI
AGED 45 YEARS
D/O.KUMARAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 15 SINI
AGED 42 YEARS
D/O.KUMARAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 16 SUNIL
AGED 38 YEARS
S/O.KUMARAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 17 ANITHA
AGED 35 YEARS
D/O.KUMARAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 18 SARITHA
AGED 35 YEARS
D/O.KUMARAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105



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- 19 LAKSHMI
AGED 72 YEARS
W/O.THEVAN, P
ARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 20 SUDHA
AGED 50 YEARS
D/O.THEVAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 21 BABU
AGED 48 YEARS
S/O.THEVAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 22 SAJI
AGED 46 YEARS
S/O.THEVAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 23 SHIBU
AGED 44 YEARS
S/O.THEVAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105
- 24 BEENA THANKAPPAN
W/O.THANKAPPAN,
PARIYARATHU KAVUNGAL HOUSE,
SOUTH VAZHAKKULAM KARA,
SOUTH VAZHAKKULAM VILLAGE,
ERNAKULAM, PIN - 683105



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- 25 AKHILMON THANKAPPAN
 AGED 26 YEARS
 S/O. THANKAPPAN,
 PARIYARATHU KAVUNGAL HOUSE,
 SOUTH VAZHAKKULAM KARA,
 SOUTH VAZHAKKULAM VILLAGE,
 ERNAKULAM, PIN - 683105
- 26 ABIN THANKAPPAN
 AGED 26 YEARS
 S/O. THANKAPPAN,
 PARIYARATHU KAVUNGAL HOUSE,
 SOUTH VAZHAKKULAM KARA,
 SOUTH VAZHAKKULAM VILLAGE,
 ERNAKULAM, PIN - 682105
- 27 NANCY MOL.P
 AGED 36 YEARS
 D/O. LEELA, PARIYATHYKAVU,
 MALAYIDAMTHURUTHU,
 SOUTH VAZHAKULAM KARA,
 VAZHAKKULAM VILLAGE,
 KUNNATHUNADU TALUK,
 ERNAKULAM, PIN - 683561
- 28 ATHIRAMOL P
 AGED 25 YEARS
 D/O. LEELA, PARIYATHYKAVU,
 MALAYIDAMTHURUTHU,
 SOUTH VAZHAKULAM KARA,
 VAZHAKKULAM VILLAGE,
 KUNNATHUNADU TALUK,
 ERNAKULAM, PIN - 683561
- 29 M.K. ANILKUMAR
 S/O. KRISHNANKUTTI,
 MANAKULANGARA HOUSE,
 MALAYIDAM THURUTH P.O.,
 MALAYIDAM THURUTH,
 ERNAKULAM, PIN - 683561
- 30 A.K. MURALEEDHARAN
 S/O. KRISHNANKUTTI NAIR,
 ARAKKAL HOUSE, SOUTH VAZHAKKULAM,
 MUDIKKAL P.O., ERNAKULAM,,
 PIN - 683105



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- 31 GOPAL DIO @ C.K.GOPALAKRISHNAN
CHUDALAPARANBIL HOUSE,
SETTAP KAVALA, MAAVINCHUVAD,
MUDIKKAL P.O., ERNAKULAM,
PIN - 683506
- 32 K.M.SIRAJ
S/O.MUHAMMADH,
KANAPARANBIL HOUSE,
MALAYIDAM THURUTH,
ERNAKULAM, PIN - 683561
- 33 SUDHEER
S/O.SEYTH MUHAMMADH,
CHEMBARATHAN HOUSE,
MALAYIDAM THURUTH P.O.,
ERNAKULAM, PIN - 683561
- 34 N.C.MOHANAN
S/O.CHELLAPAN PILLA,
NELLAMBURATH HOUSE, BROADWAY,
PERUMBAVOOR P.O., ERNAKULAM,
PIN - 683542
- 35 C.A.ABDHUL KAREEM
S/O.MUSTHAFFA, CHIRAYATH HOUSE,
NADAKKAVU, VAZAKKULAM, ERNAKULAM, PIN - 683105
- 36 N.P.SUNNY
S/O.PATHROS, NAMMANARI HOUSE,
MALAYIDAM THURUTH P.O.,
ERNAKULAM, PIN - 683561
- 37 VIJI SUNNY
S/O.M.P.SUNNY,
MAZUVANCHARY HOUSE,
NADAKKAVU, VAZAKKULAM,
ERNAKULAM, PIN - 683105
- 38 THAHIRA NASSAR
S/O.NASSAR, ETHIYIL HOUSE,
NADAKKAVU, VAZAKKULAM,
ERNAKULAM, PIN - 683105



- 39 SINI SUBRAHMANYAN
ETHIYIL HOUSE, NADAKKAVU,
VAZAKKULAM, ERNAKULAM,
PIN - 683105
- 40 AISHABEEVI
CHIRAYATH HOUSE, NADAKKAVU,
VAZAKKULAM, ERNAKULAMV,
PIN - 683105
- 41 RAVI
S/O.KUNJAPPAN,
MANDHATTIL HOUSE, NADAKKAVU,
VAZAKKULAM, ERNAKULAM,
PIN - 683105
- 42 PAULOSE
S/O.PAILY,
CHANDHANATHIL HOUSE, EDATHALA,
ERNAKULAM, PIN - 683561
- 43 SUBRAMANYAN
S/O.KRISHNAN,
CHOONDANI HOUSE, CHEMBARAKKI,
VAZAKKULAM, ERNAKULAM,
PIN - 683105
- 44 V.M.SHAMNADH
S/O.VADAKKENATHIL HOUSE,
MUDIKKAL P.O., ERNAKULAM,
PIN - 683556

BY ADVS.
SRI.SUDEEP ARAVIND PANICKER
SHRI.A.S.DILEEP
SHRI.P.BINOD
SHRI.K.Y.SUDHEENDRAN
SMT.SUSEELA DILEEP
SMT.SINDHU R. NAIR
SHRI.K.N.HARISHANKAR
KUM.HARSHIDA P.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19.03.2026,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R. RAVI, J.**-----
O.P.(C). No.3314 of 2025
-----Dated this the 19th day of March, 2026**JUDGMENT**

The original petition has been filed with the following prayers:

“(A) Call for the records leading to Exhibit P1(a) decree and execute Exhibit P1(a) decree, as prayed for, in the interest of justice.

(B) Call for the records leading to Exhibit P10 order, set aside the same and allow E.A.No.97 of 2025, as prayed for, in the interest of justice

(C) Issue such other order or direction as are necessary in the nature of this case

(D) Dispense with production English translation of vernacular documents produced herewith.”

Petitioners filed O.S.No.539 of 1984 before the Munsiff Court, Perumbavoor for declaration of title and injunction. The suit was decreed as per Ext.P1 judgment. The defendants carried the judgment in appeal. The appeal was dismissed by the Sub Court, Perumbavoor as per Ext.P2 judgment dated 29.06.2009. The defendants filed a second appeal before this Court as R.S.A. No.414 of 2010, which was also dismissed. The judgment of this Court was challenged by the defendants by filing a Special Leave Petition



before the Hon'ble Supreme Court, which was dismissed by Ext.P4 judgment on 27.02.2023. By then, 39 years had already gone by after instituting the suit. When the petitioners preferred an execution petition, two persons filed claim petitions before the execution court. The claim petition was dismissed by the execution court on 22.12.2023 by Ext.P6 judgment. Ext.P6 was challenged before the First Appellate Court by filing A.S.No.1 of 2024, which was dismissed by judgment dated 28.06.2024, copy of which is produced as Ext.P7. The claim petitioners took up the matter before this Court in R.S.A.No.439 of 2024, which was also dismissed by Ext.P8 judgment dated 12.12.2024. Ext.P8 was challenged before the Hon'ble Supreme Court by filing a Special Leave Petition which was also dismissed. There can hence be no further challenge as regards the right of the petitioners to get their decree executed. Petitioners preferred E.A.No.97/2025 in E.P.No.240/2022 in O.S.No.539/1984 seeking to implead certain third parties and to continue with the execution proceedings since the third parties were also obstructing the execution of the decree. The third parties were sought to be impleaded as respondents 27 to 42 in the execution petition and they are shown as respondents 29 to 44 in this original petition. The court below by Ext.P10 rejected the application stating



that since the suit is not one which was instituted in a representative capacity, such impleadment in the execution stage was not permissible. The court held that the procedural requirements of Order 1 Rule 8 of the Code of Civil Procedure, 1908 has to be satisfied at the trial stage and cannot be retrospectively introduced during execution stage. The fact remains that to this day, the decree could not be executed. Petitioners produced as Ext.P11 the Daily Status Report regarding the posting of the cases and the proceedings which were taken place between 13.12.2024 and 14.10.2025. It is seen that despite attempting to execute with Police help, the decree could not be executed. It is also stated that on several occasions, the Amin had proceeded to the property for effecting delivery with the aid of Police, but had to return without executing the warrant. It is also stated that obstruction is created by third parties who are not claimants under the judgment debtors and who have not filed any claim petition before the court. Some of the proceedings also show that the Advocate Commissioner and Amin who had been deputed to execute the work with Police aid, did not get sufficient help from the Police. It would also appear that the execution court has also expressed its concern to the Station House Officer and the proposal to initiate contempt of court proceedings



against the concerned Police Officers. On 05.04.2025, the Amin reported that the Circle Inspector and the ASP remained inactive and did not give necessary assistance. The court even called for explanations from the Police Officers. It is in the above background that this original petition is to be considered. It may not be possible for the court to permit impleading additional parties in the execution stage when the suit is not one instituted in a representative capacity. However, this Court cannot while exercising jurisdiction under Article 227 of the Constitution of India, bow down to such technicalities and allow an illegality to perpetrate. A suit initiated in 1984, which was decreed and the decree was confirmed by orders upto the Hon'ble Supreme Court, both at the trial stage as well as at the stage of claim petition, cannot become a meaningless piece of paper in the hands of the decree holders. They should necessarily reap the benefit of the litigation.

In the above circumstances, while acknowledging the correctness of Ext.P10 order, this original petition is disposed of directing the Munsiff Court, Perumbavoor to issue necessary directions in the execution petition to the concerned Police Officers, to assist the Amin and the Advocate Commissioner to execute the decree in letter and spirit by granting necessary protection. It shall



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be open to the Officers to take any steps legally permissible against obstructors, whether they are judgment debtors or persons claiming through them or strangers and Ext.P10 order will not stand in the way of taking necessary action against strangers as well. Orders shall be passed by the trial court at the earliest, at any rate, before the Court closes for summer vacations.

Sd/-

**T.R. RAVI
JUDGE**

Pn

APPENDIX OF OP(C) NO. 3314 OF 2025

PETITIONERS' EXHIBITS

- Exhibit P1 TRUE COPY OF JUDGMENT DATED 30-06-2008 IN O.S.NO.539 OF 1984, ON THE FILES OF THE MUNSIF'S COURT, PERUMBAVOOR
- Exhibit 1(a) TRUE COPY OF JDEGREE DATED 30-06-2008 IN O.S.NO.539 OF 1984, ON THE FILES OF THE MUNSIF'S COURT, PERUMBAVOOR
- Exhibit P2 TRUE PHOTOSTAT COPY OF THE JUDGMENT DATED 29-06-2009 IN A.S.NO.114 OF 2008, ON THE FILES OF THE SUB COURT, PERUMBAVOOR
- Exhibit P3 TRUE PHOTOSTAT COPY OF THE JUDGMENT DATED 05-08-2022 IN R.S.A.NO.414 OF 2010
- Exhibit P4 TRUE PHOTOSTAT COPY OF THE ORDER DATED 27-02-2023 IN S.L.P.(C).DIARY NO.40880 OF 2022, PASSED BY THE HON'BLE SUPREME COURT OF INDIA
- Exhibit P5 TRUE PHOTOSTAT COPY OF E.P.NO.240 OF 2022 IN O.S.NO.539 OF 1984, ON THE FILES OF THE MUNSIF'S COURT, PERUMBAVOOR
- Exhibit P6 TRUE PHOTOSTAT COPY OF THE ORDER DATED 22-12-2023 IN E.A.NO.257 OF 2023 IN E.P.NO.240 OF 2022 IN O.S.NO.539 OF 1984, ON THE FILES OF THE MUNSIF'S COURT, PERUMBAVOOR
- Exhibit P7 TRUE PHOTOSTAT COPY OF THE JUDGMENT DATED 28-06-2024 IN A.S.NO.1 OF 2024, ON THE FILES OF THE SUB COURT, PERUMBAVOOR
- Exhibit P8 TRUE PHOTOSTAT COPY OF THE JUDGMENT IN R.S.A.NO.439 OF 2024 DATED 12-12-2024
- Exhibit P9 TRUE PHOTOSTAT COPY OF THE ORDER DATED 24-03-2025 IN SPECIAL LEAVE TO APPEAL NO.4700 OF 2025, ON THE FILES OF THE



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HON'BLE SUPREME COURT OF INDIA

Exhibit P10

TRUE PHOTOSTAT COPY OF THE ORDER DATED
03-06-2025 IN E.A.NO.97 OF 2025 IN
E.P.NO.240 OF 2022 IN O.S.NO.539 OF 1984,
PASSED BY THE MUNSIFF'S COURT, PERUMBAVOOR

Exhibit P11

TRUE PHOTOSTAT COPY OF THE PROCEEDINGS IN
E.P.NO.240 OF 2022 AS OBTAINED FROM THE E-
COURTS WEBSITE