

ITEM NO.20 Court 11 (Video Conferencing) SECTION XI-A

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). 19185-19186/2021

(Arising out of impugned final judgment and order dated 15-07-2021 in OPC No. 1145/2021 14-09-2021 in RP No. 582/2021 passed by the High Court Of Kerala At Ernakulam)

AJITHKUMAR

Petitioner(s)

VERSUS

SUNITHA DEVI & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.150544/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.150547/2021-EXEMPTION FROM FILING O.T.)

Date : 03-12-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
 HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Nishe Rajen Shonker, AOR
 Ms. Anuy K. Joy, Adv.
 Mr. Alim Anvar, Adv.

For Respondent(s)

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

The Judgment Debtor has filed the present Special Leave Petitions challenging the order passed by the High Court of Kerala at Ernakulam on 15.07.2021, whereby the High Court has held that no notice in execution is required to be served upon the Judgment Debtor in terms of Order XXI Rule 22 of the Code of Civil Procedure, if the execution is filed within two years of the Decree.

The fact remains that in execution, a notice was ordered to be issued by the Executing Court but issuance of such notice was challenged by the Decree Holder before the High Court. The High Court has set aside the order of issuing notice without serving notice upon the Judgment Debtor i.e. the present petitioner.

The petitioner filed a review before the High Court, which was dismissed. Both the orders i.e. order dated 15.07.2021 and the order in review dated 14.09.2021 are the subject matter of challenge in the present Special Leave Petitions.

Since the Judgment Debtor has notice of the execution, which is pending, therefore, we do not feel any necessity of issuing notice and deciding the legal issue. However, the petitioner is at liberty to appear before the Executing Court and to take appropriate steps as may be warranted under law.

With the aforesaid liberty, the present Special Leave Petitions are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER