



2023/KER/35770

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

TUESDAY, THE 13TH DAY OF JUNE 2023 / 23RD JYAISHTA, 1945

M.A. (EXE.) NO.7 OF 2013

AGAINST THE ORDER DATED 2.11.2012 IN E.P.NO.18/2012 IN

O.P.NO.539/2007 OF FAMILY COURT, IRINJALAKUDA

APPELLANT/PETITIONER:

VIJAYA K., D/O.KRISHNAN, AGED 46 YEARS,
PANDARATHIL HOUSE, MATTATHOORKUNNU P O,
KODAKARA, THRISSUR

BY ADV SRI.G.SREEKUMAR (CHELUR)

RESPONDENT/PETITIONER:

MURALEEDHARAN K.G., AGED 54 YEARS,
S/O.THEKKOOTT GANGADHARAN,
MATTATHOORKUNNU P.O., KODAKARA,
THRISSUR-680684.

BY ADV.SRI.RAJESH CHAKYAT

THIS MAT APPEAL (EXECUTION) HAVING BEEN FINALLY HEARD ON
13.06.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



"CR"

JUDGMENT

A.Muhamed Mustaque, J.

This is an unfortunate appeal resulting from an award passed by the Lok Adalat, Thrissur. The matrimonial disputes between the parties herein were resolved in Lok Adalat. The brief award passed in Lok Adalat as follows:

"Dispute resolved by the parties reconciled and decided to live together in the rented house. The respondent agreed to settle half share in property owned by him in the name of the wife petitioner."

2. The appellant herein moved the execution court to execute the award. This has been dismissed. That is how the appellant has come up in this appeal. No discernible mind would draft an award of this kind that puts the parties who were litigating before the court at peril. The award appears to have been passed to have a numerical count of disposal before the Adalat. The minimum details of the property



agreed to be conveyed ought to have been reflected in the award, so as to make the award executable. The respondent would raise a contention that the agreement to convey half share of the property owned by him is on a condition that the appellant would stay with him in a rented house.

3. Therefore, it is contended that the promise and the reciprocal promises are the underlying factors in passing the award. The appellant would contend that the appellant stayed for a while with the respondent and on account of refusal on part of the respondent to execute the deed and ill-treatment, she discontinued her stay.

4. To execute an award, it must have all the characters of a decree to enforce it. If the award is blank and only refers to the obligation without referring to the nature of the obligation to be performed, it become in-executable. The award passed by the Lok Adalat is based on the agreement between the parties. The officers, presiding over such Lok



Adalat must apply their mind while passing the award to ensure that such award is executable. They must refer to Order 20 Rules 6 (1) and (9) of the Civil Procedure Code which refers to the contents of decree. Absolutely, no details are reflected in the award passed to execute the decree. In the absence of any details as referable above, the decree is in-executable. Accordingly, we dismiss this Mat.Appeal. No order as to costs.

sd/-

A.MUHAMED MUSTAQUE

JUDGE

sd/-

SOPHY THOMAS

JUDGE

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APPENDIX

APPELLANT'S ANNEXURES:

**ANNEXURE-A1 : TRUE COPY OF THE DEATH CERTIFICATE NO.452318
ISSUED BY THE GOVT.OF KARNATAKA DATED
22.01.2013.**