HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.HARILAL

&

THE HONOURABLE MRS. JUSTICE ANNIE JOHN

THURSDAY ,THE 27TH DAY OF SEPTEMBER 2018 / 5TH ASWINA, 1940

SA.No. 671 of 2001

AGAINST THE JUDGMENT IN AS 180/1997 of DISTRICT COURT,KOZHIKODE DATED 22-12-2000

AGAINST THE JUDGMENT IN OS 504/1995 of III ADDL.SUB COURT, KOZHIKODE DATED 30-11-1996

APPELLANTS/RESPONDENTS:

1 K.P.DAKSHAYANI AMMA,
D/O.KARTHIYANI AMMA, PALLATH AMSOM AND DESOM,
KOZHIKODE TALUK.

2 K.P. SREEMATHY AMMA,
D/O. KARTHIYANI AMMA, KURUVATTOOR AMSOM, PARAMBIL DESOM, KOZHIKODE TALUK.

3 K.P. PANKAJAKSHMI AMMA,
SHOWN IN THE IMPUGNED DECREE AS K.P. PANKAJAKSHI, D/O. KAMALAKSHI AMMA, VARIKKOLI HOUSE, PADINHATTUM MURI AMSON AMD DESOM OF KOZHIKODE TALUK.

4 K.P. CHANDRAMATHI,
D/O. KAMALAKSHI AMMA, VARIKKOLI HOUSE, PADINHATTUM MURI AMSOM AND DESOM, KOZHIKODE.

5 K.P. PREMA,
-DO -DO-

6 K.P. CHANDRASEKHARAN,
S/O. KAMALAKSHI AMMA, ELECTRICIAN, BANGALORE.

7 K.P. AMBUJAKSHAN,
S/O. KAMALAKSHI AMMA, VARIKKOLI HOUSE, PADINJATTUM MURI AMSON AND DESOM OF KOZHIKODE TALUK.

BY ADV. SRI.M.P.RAMNATH

RESPONDENTS/APPELLANTS/DEFENDANTS:

1 K.P.GANGADHARAN NAIR,
S/O. K.P. KARTHIYANI AMMA, KAINOLY PARAMBATH HOUSE,
CHELAVOOR AMSOM, PARAMBIL DESOM, KOZHIKODE TALUK.

2 K.P. ASHOKAN NAIR,
S/O. K.P. KARTHIYANI AMMA, -DO- -DO- (DIED)

3 K.P. CHANDRAN NAIR,
-DO- -DO-

4 K.P. VIJAYAN NAIR ,
-DO- -DO-

ADDL. RESPONDENTS 5 & 6:

5 KUNJAMMA, AGED 59 YEARS, W/O. LATE K.P. ASHOKAN NAIR,
KAINOLY PARAMBATH HOUSE, (ASWINI NILAYAM),
OPPOSITE PARAMBIL GOVT. HIGH SCHOOL, PARAMBIL P.O.
MARYKUNNU VIA, KOZHIKODE TALUK,
KOZHIKODE DISTRICT - 673 012.

6 ASWINI ASHOKAN, AGED 21 YEARS, D/O. LATE K.P. ASHOKAN NAIR,
KAINOLY PARAMBATH HOUSE, (ASWINI NILAYAM), OPPOSITE
PARAMBIL GOVT. HIGH SCHOOL, PARAMBIL P.O., MARYKUNNU VIA,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 012.

(LEGAL REPRESENTATIVES OF DECEASED SECOND RESPONDENT
ARE IMPLEADED AS ADDITIONAL RESPONDENTS 5 & 6 AS PER
ORDER DATED 17.03.2015 IN I.A. NO. 2212/2014)

BY ADVS.
SRI.P.B.KRISHNAN
SRI.P.B.SUBRAMANYAN
SRI.P.M.NEELAKANDAN
SRI.SABU GEORGE

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 27.09.2018, ALONG WITH RFA.167/2004, SA.63/2002, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.HARILAL

&

THE HONOURABLE MRS. JUSTICE ANNIE JOHN

THURSDAY ,THE 27TH DAY OF SEPTEMBER 2018 / 5TH ASWINA, 1940

SA.No. 63 of 2002

AGAINST THE JUDGMENT IN AS 181/1997 of DISTRICT COURT,KOZHIKODE
DATED 22-12-2000

AGAINST THE JUDGMENT IN OS 507/1995 of III ADDL.SUB COURT, KOZHIKODE
DATED 30-11-1996

APPELLANTS/RESPONDENTS/LEGAL REPRESENTATIVES OF THE PLAINTIFF:

1 K.P.SREEMATHY AMMA, D/O. KARTHIYANI AMMA,
KURUVATOOR AMSOM, PARAMBIL DESOM OF KOZHIKODE TALUK.

2 K.P.DAKSHAYANI AMMA D/O.KARTHIYANI AMMA
PALATH AMSOM AND DESOM OF KOZHIKODE TALUK.

3 K.P.PANKAJAKSHMI AMMA SHOWN IN THE
IMPUGNED DECREE AS K.P.PANKAJAKSHMI, DAUGHTER OF
KAMALAKSHI AMMA, VARIKKOLI HOUSE, PADINHATTUM MURI,
AMSOM AND DESOM OF KOZHIKODE TALUK.

4 K.P.CHANDRAMATHI D/O. KAMALAKSHI AMMA
VARIKKOLI HOUSE, PADINHATUM MURI AMSOM AND, DESOM OF
KOZHIKODE.

5 K.P.PREMA -DO- -DO-

6 K.P.CHANDRASEKHARAN
S/O.KAMALAKSHI AMMA, ELECTRICIAN, BANGALORE.

7 K.P.AMBUJAKSHAN, S/O.KAMALAKSHI AMMA
VARIKKOLI HOUSE, PADINJATTUM MURI AMSOM AND DESOM OF
KOZHIKODE TALUK.

BY ADVS.
SRI.M.P.RAMNATH
SMT.SREELEKHA PUTHALATH
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)

RESPONDENTS IN SA/APPELLANTS IN AS/DEFENDANTS:

1 K.P.GANGADHARAN NAIR,
S/O.K.P.KARTHIYANI AMMA, KAINOLY PARAMBATH HOUSE,,
CHELAVOOR AMSOM, PARAMBIL DESOM, OF KOZHIKODE, TALUK.

2 K.P.ASHOKAN NAIR,
S/O.K.P.KARTHIYANI AMMA, DO.DO. (DIED)

3 K.P.CHANDRAN NAIR -DO- -DO-

4 K.P.VIJAYAN NAIR -DO- -DO-

ADDITIONAL RESPONDENTS 5 & 6 IMPLEADED:

5 KUNJAMMA, AGED 59 YEARS,
W/O. LATE K.P. ASHOKAN NAIR
KAINOLY PARAMBATH HOUSE,
(ASWINI NILAYAM), OPPOSITE PARAMBIL GOVT. HIGH SCHOOL,
PARAMBIL P.O., MARYKUNNU VIA,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 012.

6 ASWINI ASHOKAN, AGED 21 YEARS,
D/O. LATE K.P. ASHOKAN NAIR,
KAINOLY PARAMBATH HOUSE,
(ASWINI NILAYAM), OPPOSITE PARAMBIL GOVT. HIGH SCHOOL,
PARAMBIL P.O., MARYKUNNU VIA,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 012.

(LEGAL HEIRS OF DECEASED 2ND RESPONDENT ARE IMPLEADED AS ADDITIONAL RESPONDENTS 5 & 6 AS PER THE ORDER DATED 17.03.2015 IN I.A.NO. 2158/2014)

BY ADVS.
SRI.P.B.KRISHNAN
SRI.P.B.SUBRAMANYAN
SRI.P.M.NEELAKANDAN
SRI.SABU GEORGE

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 27.09.2018, ALONG WITH RFA.167 OF 2004, & SA.671 OF 2001, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.HARILAL

&

THE HONOURABLE MRS. JUSTICE ANNIE JOHN

THURSDAY ,THE 27TH DAY OF SEPTEMBER 2018 / 5TH ASWINA, 1940

RFA.No. 167 of 2004

AGAINST THE JUDGMENT IN OS 42/1995 of III ADDL.SUB COURT, KOZHIKODE DATED 25.07.1998

APPELLANTS/DEFENDANTS 2 TO 5:

1 K.P.GANGADHARAN NAIR
KAINOLI PARAMBATH HOUSE, POST PARAMBIL, MERIKUNNU, CALICUT-12

2 K.P.ASOKAN NAIR -DO- -DO- (DIED)

3 K.P.CHANDRAN NAIR -DO- -DO-

4 K.P.VIJAYAN NAIR -DO- -DO-

ADDL. APPELLANTS 5 & 6 IMPLEADED:

5 KUNJAMMA,
W/O. LATE K.P. ASHOKAN NAIR
KAINOLY PARAMBATH HOUSE, POST PARAMBIL,
NOW RESIDING AT ASWINI NILAYAM, KOZHIKODE DISTRICT .

6 ASWINI ASHOKAN,
D/O. LATE K.P. ASHOKAN NAIR,

(LEGAL REPRESENTATIVES OF THE DECEASED SECOND APPELLANT ARE IMPLEADED AS ADDITIONAL APPELLANTS 5 & 6 AS PER THE ORDER DATED 17.03.2015 IN IA NO.2129/2014)

BY ADVS.
SRI.P.B.KRISHNAN
SRI.P.B.SUBRAMANYAN
SRI.P.M.NEELAKANDAN
SRI.SABU GEORGE

RESPONDENTS/PLAINTIFFS & 6TH RESPONDENT:

1 SREEMATHI AMMA, W/O. KRISHNANKUTTY NAIR,
KAINOLI PARAMBATH HOUSE, PARAMBIL P.O.,, VIA-MERIKUNNU,
KOZHIKODE 673 012

2 JAYALATHA WO. VIJAYAN PATTOTH PURAYIL
HOUSE, POST ERAVANNUR, VIA. KAKKODI,, KOZHIKODE 673 611

3 JAYAPRASANTH, S/O. SREEMATHI AMMA
KAINOLI PARAMBATH HOUSE, POST PARAMBIL,, VIA MERIKUNNU,
KOZHIKODE 673 012.

4 JAYAJITH SO. SREEMATHI AMMA -DO- -DO-

5 K.P.DAKSHAYANI AMMA W/O. GOVINDAN NAIR,
MANNASSERI HOUSE, POST PALATH, VIA. KAKKODI,, PIN 673 611.

6 SHEEJA D/O. DAKSHAYANI AMMA
MANASSERI HOUSE, POST PALATH, VIA. KAKKODI,, PIN 673 611

7 SHIBU NAIR SO. GOVINDAN NAIR,
MANNASSERI HOUSE, POST PALATH, VIA KAKKODI,-DO-

8 VARIKOLI CHANDRASEKHARAN NAIR
VARIKOLI HOUSE, POST KEZHAKKUMURI, VIA. KAKKODI.DO

9 VARIKOLI AMBUJAKSHAN NAIR S/O. RAGHAVAN
NAIR, VARIKOLI HOUSE, POST KIZHAKKUMMURI,, VIA. KAKKODI,
PIN 673 611

10 PANKAJAKSHI AMMA, W/O. JAYACHANDRAN NAIR
EZHUTHACHAN KANDIYIL HOUSE, POST MERIKUNNU,, PULAKADAVU
ROAD, PIN 673 012.

11 CHANDRAMATHI AMMA, W/O. CHANDRAN NAIR,
PANAYATHINKAL THAZHATHU VEEDU,, POST PADINJATTU MURI, DO.

12 PREMA AMMA KAYATTAYIL VEEDU
POST MAKKADA, VIA, KAKKODI, KOZHIKODE 673 611.

BY ADVS.
SMT.SREELEKHA PUTHALATH
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.M.P.RAMNATH
SRI.VPK.PANICKER

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 27.09.2018, ALONG WITH SA.63 OF 2002, SA.671 OF 2001, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

K. Harilal,J.

The learned counsel appearing for the appellants in SA Nos. 671 of 2001 and 63 of 2002 seeks time to argue the case. There is no representation for the appellant in R.F.A. No. 167 of 2004. These appeals were filed in the years 2001, 2002 and 2004 respectively and included in the list of old cases for disposal and therefore, we are not inclined to adjourn the case. We find that the appellants are not interested in prosecuting the case.

Accordingly, these appeals are dismissed for default.

sd/-
K. HARILAL,
JUDGE.

sd/-
ANNIE JOHN,
JUDGE.

Rv