

Thankamma Vs. Thomas Thomas

Thankamma Vs. Thomas Thomas

SooperKanoon Citation : sooperkanoon.com/1129345

Court : Kerala

Decided On : Jan-28-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Thankamma

Respondent : Thomas Thomas

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE
HONOURABLE MR.JUSTICE V.CHITAMBARESH TUESDAY, THE28H DAY OF
JANUARY20148TH MAGHA, 1935 OP(C).No. 4393 of 2013 (O)
----- AGAINST THE

ORDER

/

JUDGMENT

IN OS2742008 of SUB COURT, PATHANAMTHITTA PETITIONER(S):
----- 1. THANKAMMA VARGHESE W/O.LATE CHERIAN
VARGHESE, MALAYIL PUTHIYA VEEDU MANNADISALA P.O.,
VECHOOCHIRA, KUNNAM MURI, KOLLAMULA VILLAGE, KOTTAYAM
DISTRICT.

2. SHYNU VARGHESE S/O.LATE CHERIAN VARGHESE, MALAYIL PUTHIYA
VEEDU MANNADISALA P.O., VECHOOCHIRA, KUNNAM MURI, KOLLAMULA

VILLAGE, KOTTAYAM DISTRICT. BY ADV. SRI.T.M.ABDUL LATHEEF
RESPONDENT(S): ----- 1. THOMAS THOMAS, S/O.THOMAS,
MALAYIL PUTHIYA VEEDU, KEEZHUKARA MURI KOZHENCHERRY VILLAGE,
KOZHENCHERRY TALUK - 689 641.

2. THANKAMONY THOMAS W/O.THOMAS THOMAS, MALAYIL PUTHIYA
VEEDU KEEZHUKARA MURI, KOZHENCHERRY VILLAGE KOZHENCHERRY
TALUK - 689 641.

3. ISAC PARAYIL HOUSE, PARAYIL HOUSE, KEEZHUKARA MURI,
KOZHENCHERRY VILLAGE KOZHENCHERRY TALUK - 689 641 4. OMANA
ISAC, W/O.ISAC, PARAYIL HOUSE, KEEZHUKARA MURI, KOZHENCHERRY
VILLAGE, KOZHENCHERRY TALUK - 689 641 OP(C) NO. 4393/2013 5. SUJA
THOMAS, KIDANGIL HOUSE, KEEZHUKARA MURI, KOZHENCHERRY
VILLAGE KOZHENCHERRY TALUK - 689 641 6. PREMA S.RAO,
PUTHUPARAMBIL, KEEZHUKARA MURI, KOZHENCHERRY VILLAGE
KOZHENCHERRY TALUK689641 7. SAJU, PUTHUPARAMBIL, KEEZHUKARA
MURI, KOZHENCHERRY VILLAGE KOZHENCHERRY TALUK689641 8.
SUJATHA SURESH, KIDANGIL HOUSE, KEEZHUKARA MURI,
KOZHENCHERRYVILLAGE KOZHENCHERRY TALUK - 689 641 9. SUSHA
SURESH, KIDANGIL HOUSE, KEEZHUKARA MURI, KOZHENCHERRY
VILLAGE KOZHENCHERRY TALUK - 689 641.

10. SUDEESH PAI, KIDANGIL HOUSE, KEEZHUKARA MURI, KOZHENCHERRY
VILLAGE KOZHENCHERRY TALUK - 689 641 11. SURESH BHAKTHAN,
PULIYILETH VEEDU, KEEZHUKARA MURI, KOZHENCHERRYVILLAGE
KOZHENCHERRY TALUK - 689 641.

12. SANTHA BAI, PULIYILETH VEEDU, KEEZHUKARA MURI,
KOZHENCHERRYVILLAGE KOZHENCHERRY TALUK - 689 641.

13. MOHANDAS, NEDIYAM PARAMBIL VEEDU, KEEZHUKARA MURI,
KOZHENCHERRY VILLAGE, KOZHENCHERRY TALUK -689 641 14. SUJA
THOMAS, MUTHUMKILETH HOUSE, KEEZHUKARA MURI,
KOZHENCHERRYVILLAGE, KOZHENCHERRY TALUK - 689 641 15.

VARGHESE, KUDUGAM PARAMBIL HOUSE, KEEZHUKARA MURI, KOZHENCHERRY VILLAGE KOZHENCHERRY TALUK - 689 641.

16. BENNY CHERIAN, MANIVALIL HOUSE, KEEZHUKARA MURI, KOZHENCHERRYVILLAGE KOZHENCHERRY TALUK - 689 641.

17. RAICHAL THOMAS, MALAYIL PUTHEN VEEDU, KEEZHUKARA MURI, KOZHENCHERRY VILLAGE, KOZHENCHERRY TALUK -689 641.

18. MARIAMMA THOMAS, KUNNATHUMKUZHIYIL VEETIL, KEEZHUKARA MURI, KOZHENCHERRY VILLAGE, KOZHENCHERRY TALUK -689 641 OP(C) NO. 4393/2013 19. MOHANA KRISHNA PAI THOITUMMADDTHIL KIDANGIL KEEZHUKARA MURI KOZHENCHERRY VILLAGE, KOZHENCHERRY TALUK - 689 641.

20. RADHAKRISHNA PAI THOTTUMMADDTHIL KINDANGIL, KEEZHUKARA MURI KOZHENCHERRY VILLAGE, KOZHENCHERRY TALUK -689 641.

21. RAJESH BHAKTAN, PULIYILETH HOUSE, KEEZHUKARA MURI, KOZHENCHERRY VILLAGE KOZHENCHERRY TALUK - 689 641.

22. RAJEEVAN BHAKTAN, PULIYILETH HOUSE, KEEZHUKARA MURI, KOZHENCHERRY VILLAGE KOZHENCHERRY TALUK - 689 641. R1,R2 & 17 BY ADV. DR.K.P.PRADEEP R1,R2 & 17 BY ADV. SRI.K.N.VIKRAMATHITHYAN PILLAI THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 28-01-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(C).No. 4393 of 2013 (O) APPENDIX PETITIONER(S)' EXHIBITS EXT.P1 : TRUE COPY OF THE JUDGEMENT 1411.2007 PASSED BY THIS HONOURABLE COURT IN CRP 1033 OF 1996 EXT.P2 : TRUE COPY OF THE PLAINT O.S.NO.274 OF 2008 FILED BY THE PETITIONERS BEFORE THE SUB COURT, PATHANAMTHITTA. EXT.P3 : TRUE COPY OF THE WRITTEN STATEMENT DATED 26.3.2009 FILED BEFORE THE SUB COURT, PATHANAMTHITTA IN O.S.NO.274 OF 2008 RESPONDENT(S)' EXHIBITS : NIL /TRUE COPY/ P.A. TO JUDGE. V. CHITAMBARESH, J ----- OP(C) NO. 4393 OF 2013----- Dated this the 28th day of January, 2014

JUDGMENT

The plea of tenancy raised by the first respondent against the predecessor in interest of the petitioners stands negated by the Land Tribunal. But the order of the Land Tribunal is pending in appeal in A.A. No. 56/2007 on the file of the Appellate Authority (LR) Alappuzha. The petitioners submit that A.A. No. 56/2007 was once dismissed for default and that an application for restoration is pending.

2. I direct the Appellate Authority, Land Reforms, Alappuzha to dispose of A.A. No. 56/2007 and the interlocutory applications therein expeditiously. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

3. The petitioners have also filed O.S. No. 274/2008 on the file of the court of the Subordinate Judge of Pathanamthitta. The suit has been filed for recovery of possession on title of the property. The first respondent has alienated parcels of the 2 OP(C) No. 4393/2013 property to the other respondents. All the respondents have been made parties to the suit and the same is pending.

4. The trial of the suit in O.S. No. 274/2008 shall commence soon after the production of the judgment in A.A. No. 56/2007. Every endeavour shall be made by the court of the Subordinate Judge of Pathanamthitta to take the proceedings to a logical end without delay. The Original Petition is disposed of. V. CHITAMBARESH JUDGE ncd

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com