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Mathew vs Joseph

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Court : Kerala Orders

Decided On : Apr-07-2025

Judge : Honourable Mr.Justice K. Babu

Appeal No. : OP(C)/418/2017

Appellant : Mathew

Respondent : Joseph

Judgement :

O.P.(C)No.418 of 2017 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947 OP(C) NO. 418 OF 2017 AGAINST THE ORDER DATED 05.01.2017 IN IA NO.2099 OF 2014 IN OS NO.195 OF 2007 OF THE MUNSIFF COURT, ALATHUR PETITIONER: MATHEW, S/O.VARGHESE, PANANGODATHU HOUSE, VALIYAKULAM, CHETHIPUZHA, CHANGANASSERY TALUK, KOTTAYAM DISTRICT, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER GEORGE JACOB, S/O.CHACKO, THAIPARAMBIL HOUSE, MADAPALLY VILLAGE, CHANGANASSERY TALUK, KOTTAYAM DISTRICT. SRI.MATHEW JOHN (K)

SRI.DOMSON J.VATTAKUZHY RESPONDENTS: 1 JOSEPH, AGED 72 YEARS, S/O.VARGHESE, PANAMGODATHU HOUSE, KANAKKANTHURUTHY, VADAKKENCHEERY AMSOM DESOM, ALATHUR TALUK (DIED ON 13/06/2016 BUT HE ALONE IS SHOWN AS THE RESPONDENT IN THE IMPUGNED ORDER) HIS WIFE AND CHILDREN NAMELY ELIZABETH JOSEPH, JOGO GEORGE JOSEPH, KURIAN JOSEPH, JOSE P.JOSEPH HAD FILED I.A.NO.1469 OF 2016 IN THE FINAL DECREE APPLICATION AND O.P.(C)No.418 of 2017 2 THEREFORE THEY ARE SHOWN AS RESPONDENTS 2 TO 5 IN THIS ORIGINAL PETITION, THOUGH THEIR NAMES DO NOT FIND A PLACE IN THE CAUSE TITLE OF THE IMPUGNED ORDER DATED 05/01/2017.

2 ELIZABETH JOSEPH, W/O.LATE JOSEPH, PANAMGODATHU HOUSE, 3 JOGO GEORGE JOSEPH, 4 KURIAN JOSEPH, 5 JOSE P.JOSEPH, SRI.LIJU. M.P SRI.SAJAN VARGHEESE K. THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: O.P.(C)No.418 of 2017 3

K.BABU, J.

---------- O.P.(C) No.418 of 2017 ---------- Dated this the 7th day of April, 2025

JUDGMENT

The learned counsel for the petitioner submitted that the petitioner is not pressing the Original Petition. A memo to that effect has been filed. Therefore, the Original Petition is dismissed as not pressed. Sd/- K.BABU JUDGE VPK O.P.(C)No.418 of 2017 4 APPENDIX OF OP(C) 418/2017 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE PLAINT FILED BY THE 1ST RESPONDENT DATED 15/11/2007, MUNSIFF'S COURT, ALATHUR. EXHIBIT P2 A TRUE COPY OF THE DECREE IN O.S.NO.195 OF 2007, MUNSIFF'S COURT, ALATHUR. EXHIBIT P3 A TRUE COPY OF THE COMMISSIONER'S FINAL REPORT AND

PLAN DATED EXHIBIT P4 A TRUE COPY OF AFFIDAVIT AND PETITION BY THE PETITIONER DATED 21/11/2014. EXHIBIT P5 A TRUE COPY OF THE OBJECTION BY THE 1ST RESPONDENT DATED 31/12/2014. EXHIBIT P6 A TRUE COPY OF THE EVIDENCE OF THE ADVOCATE COMMISSIONER. EXHIBIT P7 A TRUE COPY OF THE EVIDENCE OF KRISHNANKUTTY AND AFFIDAVIT. EXHIBIT P8 A TRUE COPY OF THE ORDER IN I.A..NO.2099 OF 2014 IN O.S.NO.195 OF 2007 DATED 05/01/2017 MUNSIFF'S COURT, ALATHUR.

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