

Raju Thomas vs Devu

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Court : Kerala Orders

Decided On : Jan-31-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : RSA/47/2024

Appellant : Raju Thomas

Respondent : DEVU

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
WEDNESDAY, THE 31ST DAY OF JANUARY 2024/11TH MAGHA,
1945 AGAINST THE DECREE AND JUDGMENT DATED 27.08.2022 IN
AS 6/2018 OF DISTRICT COURT, KALPETTA ARISING FROM THE
DECREE AND JUDGMENT DATED 26.09.2018 IN OS 27/2012 OF SUB
COURT, SULTHANBATHERY

APPELLANTS/APPELLANTS/PLAINTIFFS: 1 RAJU THOMAS AGED 67
YEARS S/O K.C THOMAS, KALAVARA HOUSE, PUTHUMALA POST,
VELLARIMALA VILLAGE, PIN - 691 554 2 TONY THOMAS AGED 66
YEARS S/O. K. C.THOMAS, KALAVARA HOUSE, PUTHUMALA
POST,VELLARIMALA VILLAGE, VYTHIRI TALUK,WAYANAD

DISTRICT, 3 MOLLY MARIYA GONZLVEZ AGED 65 YEARS D/O.K.C THOMAS, AVILA COTTAGE, CHUNDEL POST, AMSOM AND DESOM, VYTHIRI TALUK, WAYANAD DISTRICT, PIN - 691554 4 LAILA MATHEW AGED 63 YEARS D/O K.C.THOMAS, AVILA COTTAGE, CHUNDEL POST, CHUNDEL AMSOM DESOM, VYIHIRI TALUK, WAYANAD DISTRICT, BY ADVS. AJITH VISWANATHAN SHIBU JOSEPH SAYED MANSOOR BAFAKHY THANGAL HAIRA SOLOMON RESPONDENTS/RESPONDENTS/DEFENDANTS: 1 DEVU AGED 80 YEARS W/O MARADI KUNHIRAMAN NAIR, SREENIVASA ESTATE, PATHUMALA POST, PACHAKKAD, VELLARIMALA AMSOM,DESOM, VYTHIRI, TALUK, WAYANAD DISTRICT, 2 SREENIVASAN AGED 52 YEARS, S/O.MARADIKUNHIRAMAN NAIR, SREENIVASA ESTATE, PUTHUMALA POST, PACHAKKAD, VELLARIMALA AMSOM & DESOM VYTHIRI TALUK, WAYANAD DISTRICT,, 3 UNNIKRISHNAN AGED 54 YEARS S/O.MARADIKUNHIRAMAN NAIR SREENIVASA, VELLARIMALA AMSOM & DESOM, 4 VASUMATHI AGED 44 YEARS D/O.MARADIKUNHIRAMAN NAIR, SREENIVASA, VELLARIMALA AMSOM & DESOM, VYTHIRI TALUK, WAYANAD DISTRICT, THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of January, 2024 This regular second appeal has been filed under Section 100 read with Order XLII Rule 1 of the Code of Civil Procedure, 1908, challenging the decree and judgment dated 27.08.2022 in A.S.No.06/2018 on the files of the District Judge, Kalpetta, arose out of the decree and judgment dated 26.09.2018 in O.S.No.27/2012 on the files of the sub Judge, Sulthanbathery. The appellants herein are the plaintiffs.

2. After arguing for a while, the learned counsel for

the appellants sought permission to withdraw this regular second appeal. Permission is granted. Accordingly, this regular second appeal stands dismissed

as withdrawn. Registry shall inform this matter to the trial court as well as the appellate court for information and future guidance. Sd/- A. BADHARUDEEN
JUDGE nkr

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