

David, vs Kunji,

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Court : Kerala Orders

Decided On : Apr-01-2024

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr. Justice Harisankar V. Menon

Appeal No. : SA/232/2000

Appellant : DAVID,

Respondent : KUNJI,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON
MONDAY, THE 1ST DAY OF APRIL 2024 / 12TH CHAITHRA, 1946
AGAINST THE DECREE AND JUDGMENT PASSED BY THE SUB COURT, THRISSUR IN A.S.NO.84 OF 1998 DATED 17.07.1999, ON APPEAL FROM O.S.NO.193 OF 1992 OF THE MUNSIFF COURT, WADAKKANCHERY APPELLANT (APPELLANT - PLAINTIFF): DAVID, SON OF CHERUVATHOOR UDUPPURU, AGRICULTURIST, RESIDING AT MANJERI, PARAYIL ANGADI, KUNNAMKULAM, THALAPPILLY TALUK. RESPONDENT (RESPONDENTS 1 TO 7 /

DEFENDANTS 1 TO 7): 1 KUNJI, WIFE OF LATE PALLATHUR VELUKUTTY, RESIDING AT NEPPAN ROAD, KAVANNUR VILLAGE, THALAPPILLY TALUK. (IT IS RECORDED THAT R1, R4 AND R6 ARE DEAD AND THAT R2, R3, R5 AND R7 ARE THE LEGAL HEIRS OF THE DECEASED R1, R4 AND R6 AND NOBODY NEED BE IMPEADED VIDE ORDER DATED 02.02.2001 ON STATEMENT DATED 23.09.2000 BEARING CF.NO.3565/2000) 2 KUMARAN, AGENT, BUS STAND, RESIDING AT .DO. .DO. (IT IS RECORDED THAT R2 DIED NOBODY NEED BE IMPEADED HIS LR'S VIDE SINCE HIS LR'S ARE ALREADY IN THE PARTY ARRAY AS PER ORDER DATED 07.04.2003 ON STATEMENT DATED 04.01.2003 VIDE CF.NO.726/2003). 3 KUNJUNNI ALIAS UNNI, DRIVER, RESIDING AT .DO. .DO. VIJAYAN, MERCHANT, RESIDING AT .DO. .DO. 5 MOHANAN, BINDING WORK IN PRESS, RESIDING AT .DO. .DO. 6 KUTTAPPU ALIAS JANARDHANAN, LORRY BROKER, RESIDING AT .DO. .DO. (IT IS RECORDED THAT R1,R4 AND R6 ARE DEAD AND THAT RESPONDENTS 2,3,5 AND 7 ARE THE LR'S OF THE DECEASED R1, R4 AND R6 AND NOBODY ELSE NEED BE IMPEADED VIDE ORDER DATED 07.04.2003 MEMO DATED 21.03.2003 VIDE CF.NO.1532/03, 1531/03, 1535/03 RESPECTIVELY.) 7 SITHA, WIFE OF PALLIKKARA MADHAVAN, RESIDING IN PANDALLUR DESOM, CHOWANNUR VILLAGE, P.O. CHOONDAL. BY ADV SRI.T.A.RAJAGOPALAN THIS SECOND APPEAL HAVING COME UP FOR ADMISSION ON 01.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The appellant is the plaintiff in O.S.No.193 of 1992, a suit for recovery of possession on the strength of title, on the file of the Munsiffs Court, Wadakkanchery, and the appellant in A.S.No.84 of 1998 on the file of the Sub Court, Thrissur. By the common judgment and decree dated 31.03.1995, the

Munsiff Court dismissed O.S.No.193 of 1992 and the connected matters. Challenging the judgment and decree in O.S.No.193 of 1992, the appellant filed A.S.No.84 of 1998 before the Sub Court, Thrissur, which was also dismissed by the judgment and decree dated 17.07.1999. Feeling aggrieved, the appellant is before this Court in this second appeal.

2. On 06.04.2000, when this second appeal came up for

admission, this Court admitted the matter on file and issued notice to the respondents on the substantial question of law mentioned in the memorandum of appeal.

3. Today, when this matter is taken up for consideration,

the learned counsel for the appellant, on instructions, would submit that the appellant does not want to prosecute this appeal further and therefore, the same may be dismissed as not pressed. Recording the aforesaid submission made by the learned counsel for the appellant, this second appeal is dismissed as not pressed. ANIL K. NARENDRAN, JUDGE HARISANKAR V. MENON, JUDGE MIN

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