

Vasudevan vs Radhakrishnan

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Court : Kerala Orders

Decided On : Mar-14-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : RSA/126/2024

Appellant : Vasudevan

Respondent : Radhakrishnan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 14TH DAY OF MARCH 2024 / 24TH PHALGUNA,
1945 RSA NO. 126 OF 2024 AGAINST THE DECREE AND JUDGMENT
DATED 13.11.2023 IN AS NO.22 OF 2023 ON THE FILES OF THE
COURT OF THE DISTRICT JUDGE, PALAKKAD AROSE FROM THE
DECREE AND JUDGMENT DATED 22.12.2022 IN OS NO.278 OF 2019
ON THE FILES OF THE PRINCIPAL MUNSIF COURT, PALAKKAD
APPELLANT/RESPONDENT NO.1/DEFENDANT NO.1: VASUDEVAN
AGED 49 YEARS BY ADVS. SAJAN VARGHEESE K. LIJU. M.P
RESPONDENTS/APPELLANT & RESPONDENTS NO.2 TO
9/PLAINTIFF & DEFENDANTS 2 TO 9:

1 RADHAKRISHNAN AGED 46 YEARS 2 LEELA P AGED 53 YEARS
W/O GOPALAN, 49/586, ARYAKULAM, KOZHIPPARA,
VADAKKANTHARA POST, PALAKKAD, PIN - 678102 3 RATHNAM P
AGED 51 YEARS W/O KUNJUNNI, AMBALATH HOUSE, JOURNALIST
VILLAGE, PANCHAYAT ROAD JUNCTION, KUZHIVELIPPADY POST,
EDATHALA, ERNAKULAM DISTRICT, PIN - 683561 4 BABY P AGED
50 YEARS W/O KANAKARAJAN, 9/310, KANNAKI NAGAR,
MOOTHANTHARA, PALAKKAD, PIN - 678012 5 SUJATHA P AGED 48
YEARS W/O BHASKARAN, 223/1+111, KANNAKI NAGAR,
MOOTHANTHARA,

KODUVAYUR POST, PALAKKAD., PIN - 678501 6 CHANDRAN AGED
63 YEARS S/O KUPPANKUTTY, 10/242, PIRAYIRI POST,
AYYAPPANKAVU, 7 RAJESH AGED 37 YEARS S/O CHANDRAN,
10/242, PIRAYIRI POST, AYYAPPANKAVU, 8 RADHIKA AGED 34
YEARS 9 LATHIKA AGED 32 YEARS THIS REGULAR SECOND
APPEAL HAVING COME UP FOR ADMISSION ON 14.03.2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 14th day of February, 2024 This regular second appeal has been
filed under

order XLII Rule 1 read with Section 100 of the Code of Civil

Procedure (CPC hereinafter) challenging the decree and

judgment in A.S. No.22 of 2023 dated 13.11.2023 on the files of

the Court of the District Judge, Palakkad arose from decree and

judgment in O.S. No.278 of 2019 dated 22.12.2022 on the files

of the Principal Munsiff Court, Palakkad.

2. The learned counsel for the appellant seeks

permission to withdraw this appeal, in view of filing of FAO (RO) under Order 43 Rule 1 (u) of CPC, the proper remedy available to the appellant. Permission granted.

3. Accordingly, this regular second appeal stands

dismissed as withdrawn, with liberty to go with the FAO (RO). All interlocutory applications pending in this regular second appeal stand dismissed. Sd/- A. BADHARUDEEN JUDGE SK

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