

Venkitachalam vs Selvi

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Court : Kerala Orders

Decided On : Apr-12-2024

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

Appeal No. : RFA/496/2018

Appellant : Venkitachalam

Respondent : SELVI

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA & THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946 RFA NO. 496 OF 2018 AGAINST THE JUDGMENT DATED 09.08.2018 IN OS NO.177 OF 2013 OF ADDITIONAL SUB COURT, PALAKKAD APPELLANTS/PLAINTIFFS: 1 VENKITACHALAM, AGED 52 YEARS, S/O.CHAMIYAPPAN PILLA, POTHAMPADAM, 2 SIVANANDAN, AGED 47 YEARS, S/O.CHAMIYAPPAN PILLA, POTHAMPADAM, BY ADVS.JACOB SEBASTIAN SRI.K.V.WINSTON SMT.ANU JACOB RESPONDENTS/DEFENDANTS 3 & 4 & SUPPLEMENTAL 5TH DEFENDANT:

1 SELVI, AGED 50 YEARS, D/O.CHAMIYAPPAN PILLA, POTHAMPADAM, PALAKKAD DISTRICT, PIN - 678 507. 2 GOWRI, AGED 43 YEARS, D/O.CHAMIYAPPAN PILLA, POTHAMPADAM, PALAKKAD DISTRICT, PIN- 678 507. 3 KANNAMMAL, AGED 57 YEARS, W/O.CHAMIYAPPAN PILLA, POTHAMPADAM, BY ADVS.SRI.P.B.KRISHNAN SRI.P.M.NEELAKANDAN SRI.SABU GEORGE SRI.MANU VYASAN PETER

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 12.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The appellants are the plaintiffs in O.S.No.177 of 2013 on the file of the Additional Sub Court, Palakkad, a suit for

partition. That suit was dismissed with cost by the judgment

and decree dated 09.08.2018. Feeling aggrieved, the appellants are before this Court in this appeal, invoking the provisions under Order XLI, Rule 1 of the Code of Civil Procedure, 1908.

2. On 17.12.2018, when this appeal came up for

admission, this Court admitted the matter on file and issued notice to the respondents by speed post. In I.A.No.1 of 2018, this Court directed the parties to maintain status quo as on that date of the impugned decree.

3. Today, when this appeal is taken up for consideration, the learned counsel for the appellants has filed a not press memo dated 30.03.2024, which reads thus; The above regular first appeal is filed against the

judgment dated 09.08.2018 in O.S.No.177 of 2013 of

the Court of the Subordinate Judge (Additional), Palakkad. Now the appellants do not desire to prosecute the regular first appeal any further. Hence the regular first appeal may be dismissed as not pressed. In such circumstances, recording the aforesaid memo dated 30.03.2024 filed by the learned counsel for the appellants, this appeal is dismissed as not pressed. ANIL K. NARENDRAN, JUDGE HARISANKAR V. MENON, JUDGE AV/17/4

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