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Serin Sebastian vs Sebastian @ Sebasthy

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SooperKanoon Citation : sooperkanoon.com/1330311

Court : Kerala

Decided On : Feb-24-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP(C)/16/2023

Appellant : Serin Sebastian

Respondent : Sebastian @ Sebasthy

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 24TH DAY OF FEBRUARY 2023 / 5TH PHALGUNA, 1944 AGAINST THE ORDER IN I.A. 8/2022 IN OS 733/2020 OF III ADDITIONAL MUNSIFF COURT,THIRIVAMAMTHAPURAM PETITIONER/RESPONDENT/DEFENDANT: SERIN SEBASTIAN, AGED 32 YEARS D/O SEBASTIAN & REGINA SEBASTIAN, SEENA BHAVAN, TC BEACH P.O, THIRUVANANTHAPURAM, PIN CODE, PIN - 695007 BY ADV D.GANESH KUMAR RESPONDENT/PETITIONER/PLAINTIFF: SEBASTIAN @ SEBASTHY AGED 66 YEARS, S/O. MARSHAL, SEENA BHAVAN, TC 32/1091, ALL SAINTS JUNCTON,VETTUCAUD CHURCH ROAD, BEACH P.O,

THIRUVANANTHAPURAM, PIN CODE - 695 007 REPRESENTED BY HIS POWER OF ATTORNEY HOLDER KUSALA KUMARI. L, AGED 52 YEARS, W/O. LATE SHAJI, RESIDING AT TC SHANGHUMUKHAM BEACH P.O, THIRUVANANTHAPURAM DISTRICT,, PIN - 695007 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 24.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The learned counsel appearing for the petitioner submits that the original petition has become infructuous. The submission is recorded. The original petition is dismissed as infructuous. Sd/- C.S.DIAS ma/24.2.2023 JUDGE APPENDIX OF OP(C) 16/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SETTLEMENT DEED NO. 791 OF 2012 EXECUTED BY THE RESPONDENT IN FAVOUR OF THE PETITIONER REGISTERED ON 25.02.2012 BEFORE THE PRINCIPAL SUB- REGISTRAR OFFICE, THIRUVANANTHAPURAM DISTRICT

Exhibit P2 TRUE COPY OF THE PLAINT IN O.S NO. 733 OF 2020 PENDING BEFORE THE IIIRD ADDITIONAL MUNSIFF'S COURT, THIRUVANANTHAPURAM DATED 29.6.2020 Exhibit P3 TRUE COPY OF THE WRITTEN STATEMENT IN O.S NO. 733 OF 2020 PENDING BEFORE THE IIIRD THIRUVANANTHAPURAM DATED 22.09.2022 Exhibit P4 TRUE COPY OF THE PLAINT IN O.S NO. 1127 OF 2020 PENDING BEFORE THE IIIRD THIRUVANANTHAPURAM DATED 19.10.2020. Exhibit P5 TRUE COPY OF I.A NO. 8 OF 2022 IN O.S NO. 733 OF 2020 PREFERRED BY THE POWER OF ATTORNEY HOLDER OF THE RESPONDENT 21.09.2022. Exhibit P6 TRUE COPY OF OBJECTION SUBMITTED BY THE PETITIONER HEREIN, IN I.A NO. 8 OF 2022 IN O.S NO. 733 OF 2020 DATED 23.11.2022. Exhibit P7 TRUE COPY OF ORDER DATED 21.12.2022

PASSED IN I.A NO. 8 OF 2022 IN O.S NO. 733 OF 2020 (IMPUGNED ORDER) PASSED BY IIIRD ADDITIONAL MUNSIFF'S COURT, THIRUVANANTHAPURAM

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