

**Madhusoodanan vs Babu**

**Madhusoodanan vs Babu**

**SooperKanoon Citation :** [sooperkanoon.com/1364180](https://sooperkanoon.com/1364180)

**Court :** Kerala Orders

**Decided On :** Mar-27-2023

**Judge :** Honourable Mr. Justice P.Somarajan

**Appeal No. :** RFA/886/2015

**Appellant :** Madhusoodanan

**Respondent :** BABU

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN  
MONDAY, THE 27TH DAY OF MARCH 2023 / 6TH CHAITHRA, 1945  
RFA NO. 886 OF 2015 AGAINST THE FINAL DECREE DATED  
24.01.2015 IN I.A.5584/2010 IN O.S.NO. OF II ADDITIONAL SUB  
COURT,ERNAKULAM APPELLANT/39TH RESPONDENT IN FINAL  
DECREE/9TH DEFENDANT IN O.S.335/2005: 1  
MADHUSOODANAN(DEAD) S/O.LATE KARUNAKARAN, EDANILATH  
HOUE, VALLARPADOM POST, 2 REMANI MADHUSUDHANAN W/O  
MADHUSOODANAN, 3 AMARJITH A.M, S/O LATE  
MADHUSOODANAN, 4 ANILJITH A.M, S/O LATE MADHUSOODANAN,  
BY ADVS. SMT.K.PUSHPAVATHI SMT.NITHYA SASI

RESPONDENTS/PETITIONERS 1 AND 2 IN FINAL DECREE/RESPONDENTS 1 TO 38,40 TO 53 IN FINAL DECREE/PLAINTIFFS/DEFENDANTS 1 TO 8 AND 10 TO 25 IN O.S335/2005: 1 BABU, AGED 60 YEARS. S/O.SATHI DEVI, EDANILATH HOUSE, VALLARPADOM POST, 2 SATHI DEVI, D/O.LATE SANKARAM, AGED 83 YEARS, EDANILATH HOUSE, 3 SIVAN (DEAD),

S/O.LATE SANKU, EDANILATH HOUSE, PANAMBUKKAD, VALLARPADOM POST, ERNAKULAM DISTRICT. 4 KRISHNAVENI DEAD D/O.LATE SANKU, EDANILATH HOUSE, PANAMBUKKAD,VALLARPADOM POST, ERNAKULAM DISTRICT. 5 SUDHAKARAN (DEAD), CHITTIPARAMBIL HOUSE, PANANGAD POST, COCHIN 682 506. 6 MURALEEDHARAN, AGED 66 YEARS, S/O.LATE KRISHNAN, KAVITHA NIVAS, PANANGAD POST, COCHIN 682 506. 7 DEVANAD, S/O.LATE KARUPPAN, AGED 55 YEARS, EDANILATHU HOUSE, VALLARPADOM POST, ERNAKULAM DISTRICT. 8 RETHNAVALLY, AGED 81 YEARS, W/O. LATE PURUSHOTHAMAN, EDANILATHU HOUSE, VALLARPADOM POST, ERNAKULAM DISTRICT. 682504 9 HEMA, AGED 58 YEARS, D/O.LATE PURUSHOTHAMAN, EDANILATHU HOUSE, PANAMBUKKAD, VALLARPADOM POST, ERNAKULAM DISTRICT. 10 RAMESH, AGED 62 YEARS, S/O.LATE PURUSHOTHAMAN, EDANILATHU HOUSE, VALLARPADOM POST, 11 ASHA, D/O.LATE PURUSHOTHAMAN, AGED 55 YEARS, EDANILATHU HOUSE, VALLARPADOM POST, 12 DINESH, S/O.LATE PURUSHOTHAMAN, AGED 50 YEARS EDANILATHU HOUSE,PANAMBUKKAD, VALLARPADOM POST, 13 KUNJAMMA, W/O.LATE RAMAN (DEAD), THAIKKODATHIL HOUSE, EAST KADUNGALLUR, U.C.COLLEGE POST, ALUVA 683 101. 14 V.K.SARASWATHY, AGED 75 YEARS, W/O.LATE SIVAN, EDANILATHU HOUSE,PANAMBUKKAD, 15 A.S.JOSHILAL, AGED 58 YEARS, S/O.LATE SIVAN, EDANILATHU HOUSE,PANAMBUKKAD,

16 A.S.MANILAL, AGED 55 YEARS, EDANILATHU HOUSE, PANAMBUKKAD, VALLARPADAM POST, ERNAKULAM DISTRICT 682 504. 17 A.S.BEENA, AGED 51 YEARS, EDANILATHU HOUSE, PANAMBUKKAD, 18 A.S.RAJEEV, AGED 50 YEARS, EDANILATHU HOUSE, PANAMBUKKAD, 19 A.S.SINDU, D/O.LATE SIVAN, AGED 52 YEARS, EDANILATHU HOUSE, PANAMBUKKAD, 20 KAIRALI, AGED 68 YEARS, D/O.KRISHNAVENI, EDATHUMKUDIYIL VEEDU, RAMALLUR, MALAYANKEEZHIL, KOTHAMANGALAM 686 691. 21 CHANDRA, AGED 66 YEARS, D/O.KRISHNAVENI, KOOBAYIL VEEDU, KATTAPPURAM ROAD, AROOR, ALAPPUZHA DISTRICT 688 534. 22 PADMANABHAN, AGED 64 YEARS, S/O.KRISHNAVENI, NADUTHURUTHIL, WEST KOMATH TEMPLE, PANANGAD POST, PANAGAD 682 506. 23 MANJULA NATARAJAN, AGED 59 YEARS, D/O.KRISHNAVENI, KELAMANGALAM (CHETTIPPADAM, THAIPARAMBIL HOUSE), KAITHAVALAPPIL LANE, EDAKOCHI 682 010. 24 T.R.VINODHINI, D/O.LATE KUNAJMMA, AGED 83 YEARS, KADAVIL HOUSE, PANAMBUKKAD, VALLARPADOM POST - 682 504. 25 T.R.KARUNA, AGED 80 YEARS, D/O.LATE KUJNAMMA, KANNATHARA HOUSE, THEKKAN MALIPPURAM, AZHEEKAL PO, VYPIN 682508. 26 T.R.SUDHEENDRAN, S/O.LATE KUNJAMMA, AGED 74 YEARS, THYKOOTATHIL HOUSE, EAST KADUNGALLUR, U.C.COLLEGE POST, ALUVA 683 101

27 T.R.GOPINATHAN, AGED 70 YEARS, S/O.LATE KUNJAMMA, THYKOOTATHIL HOUSE, EAST KODUNGALLUR U.C.COLLEGE POST, ALUVA 683 101. 28 T.R.UNNIKRISHNAN, S/O.LATE KUNJAMMA, AGED 67 YEARS, THYKOOTATHIL HOUSE, EAST KADUNGALLUR, U.C.COLLEGE POST, ALUVA 683 101 29 M.S.SINDU, AGED 49 YEARS, W/O.SASI, MADATHIL HOUSE, SOUTH PARAVUR, ERNAKULAM 682 320. 30 M.S.SUMOD, AGED 48 YEARS, S/O.LATE SUDHAKARAN, CHETTIPARAMBIL HOUSE, PANANGAD POST, KOCHI 682 506. 31 M.S.SANDHYA, AGED 41 YEARS, W/O.SATHEESHAN, HOUSE, NO.23/936, S.P.PURAM COLONY,

PALLURUTHY, KOCHI 682 006. 32 M.S.SUDHEESH, AGED 48 YEARS, S/O.LATE SUDHAKARAN, CHETTIPARAMBIL HOUSE, PANANGAD POST, KOCHI 682 506. 33 SANTHA, D/O.LATE VELAYUDHAN, AGED 80 YEARS, EDANILATHU HOUSE, ERNAKULAM DISTRICT 682504. 34 SHYLA, D/O.LATE VELAYUDHAN, KOTTUPPILLY, NEW KOLOTHUMKADAVU, VAIKOM 686 141. 35 MYTHRI, D/O.LATE VELAYUDHAN, AGED 68 YEARS, EDANILATHU HOUSE, ERNAKULAM DISTRICT 682 504. 36 VIBAL SUDHAN@VILAN, AGED 61 YEARS, S/O.LATE VELAYUDHAN, EDANILATHU HOUSE, ERNAKULAM DISTRICT 682504. 37 BHARGHAVI, W/O.LATE GANGADHARAN, AGED 95 YEARS, ADANILATHU HOUSE,

URUMBAN KUNNU, V.B.PURAM, CHALAKKUDY VIA, THRISSUR DISTRICT. 38 YEDHU SUDHAN, S/O.LATE GANGADHARAN, AGED 66 YEARS, ADANLATHU HOUSE, URUMBAN KUNNU, V.B.PURAM POST, CHALAKKUDY VIA, THRISSUR DISTRICT 39 YAMUNA RAVEENDRAN, D/O.LATE GANGADHARAN, AGED 58 YEARS, ADANILATH HOUSE, URAMBAN KUNNU, V.B.PURAM POST, CHALAKKKUDY VIA, THRISSUR DISTRICT 680 307. 40 KALYANI, W/O.LATE KARUNAKARAN, AGED 80 YEARS ERNAKULAM DISTRICT. 6825041 41 KAILASAN,S/O.LATE KARUNAKARAN, AGED 45 YEARS 42 VIJISH, S/O.KARUNAKARAN, AGED 32 YEARS EDANILATH HOUSE, VALLARPADOM POST, ERNAKULAM DISTRICT. 43 BHAVANI, W/O.LATE SUKUMARAN, AGED 83 YEARS ERNAKULAM 682 504. 44 GANESHAN, S/O.LATE SUKUMARAN, AGED 65 YEARS EDANILATH HOUSE, 45 RAJAMMA RAGHAVAN, D/O.LATE BHASKARAN, AGED 72 YEARS PANDARAPPARAMBU, PANAMBUKKAD , ERNAKULAM DISTRICT 682 504. 46 ARUNDATHY, D/O.LATE BHASKARAN, AGED 61 YEARS EDANILATH HOUSE, ERNAKULAM 682 504. 47 SIREESH BABU, S/O.LATE BHASKARAN, AGED 58 YEARS,

EDANILATHU HOUSE, GANDHI SQUARE, POONITHURA POST, ERNAKULAM DISTRICT 682 038. 48 SISULAL, S/O.LATE BHASKARAN, AGED 53 YEARS 49 THILOTHAMA D/O.LATE SANKARAN (DEAD), EDANILATH HOUSE, 50 SANKUNNI, AGED 83 YEARS 203, KOTTAPPALLIL HOUSE, VAIKOM POST, VAIKOM 686 141. 51 SISHA, D/O.LATE SHILA, AGED 56 YEARS THAIPARAMBIL HOUSE, H.NO.1425, COCHIN 682 006. 52 JOSHI, S/O.LATE SHILA, AGED 50 YEARS, 203, KOTTAPPALLIL HOUSE, VAIKOM POST, VAIKOM 686 141. 53 SHAJI AGED 47 YEARS S/O.LATE SHILA, 203, KOTTAPPALLIL HOUSE, VAIKOM POST, VAIKOM 686 141. 54 SHEEBA, D/O.LATE SHILA, AGED 38 YEARS, CHARIYA MURI HOUSE, H.NO.2822/THEVARA, COCHIN 682 013. BY ADVS. SRI.A.T.ANILKUMAR - FOR R1 &R26 SRI.BIJU MARTIN - FOR R33,R36,R38,R39,R50,R51,R53,R54 SMT.P.LATHA & R.SRINATH - FOR R10 SRI.M.N.MANMADAN - FOR R7 SRI.S.B.PREMACHANDRA PRABHU - FOR R6,R15 & R30 THIS REGULAR FIRST APPEAL HAVING COME UP FOR ADMISSION ON

27.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

The appellant and counsel remained absent. Nobody even represented the matter. The appeal is of the year 2015. Appeal is against the final decree. Hence, the appeal will stand dismissed for non-prosecution. Sd/- P.SOMARAJAN JUDGE rkr-27/03/23

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