

Prakash vs Rajendra Panicker

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Court : Kerala Orders

Decided On : Aug-23-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : CRP(LR)/35/2023

Appellant : Prakash

Respondent : Rajendra Panicker

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
WEDNESDAY, THE 23rd DAY OF AUGUST 2023 / 1ST BHADRA, 1945
CRP(LR) NO. 35 OF 2023 AGAINST THE ORDER DATED 30.06.2023
IN AA 55/2018 OF APPELLATE AUTHORITY (LR), ALAPPUZHA

REVISION PETITIONER/1st RESPONDENT IN A.A: PRAKASH, AGED
55 YEARS, AUTO DRIVER, S/o THANKAPPA PANICKER, OTHARA
HOUSE, MADAPPALLY P.O., CHANGANACHERRY TALUK,
KOTTAYAM, PIN - 686546 BY ADV SEBASTIAN JOSEPH
(KURISUMMOOTTIL) RESPONDENTS/APPELLANTS 1 TO 4 IN A.A.
AND 2nd RESPONDENT IN A.A: 1 RAJENDRA PANICKER, AGED 70
YEARS, S/o SUKUMARA PANICKER, ASWATHI HOUSE,

PUZHAVATHU, CHANGANACHERRY, KOTTAYAM, PIN - 686102 2
SUSILADEVI, AGED 66 YEARS, W/o MOHANDAS, SREYAS,
PERUMPANACHY P. O., CHANGANACHERY, KOTTAYAM, PIN -
686536 3 SULEKHADEVI, AGED 63 YEARS, W/o BALAKRISHNAN,
NTPC QUARTERS, NANGIARKULANGARA P.O., KAYAMKULAM, PIN
- 690513 4 LATHIMOL @ SUNITHA, AGED 50 YEARS, W/o DEYAL,
DEYAL SAVITHAM HOUSE, PETTA P.O., THRIPIUNITHURA, PIN -
682301 5 AJITHKUMAR (2ND RESPONDENT IN A.A.) AGED 68
YEARS, P.B. NO. 522/CARGO SECTION, OTHARA HOUSE,
MADAPPALLY P.O., CHANGANACHERY TALUK, KOTTAYAM, PIN -
686546 THIS CRP (LAND REFORMS ACT) HAVING COME UP FOR
ADMISSION ON 23.08.2023, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: CRP (LR) No.35 of 2023 2

ORDER

Heard the petitioner on admission. The purchase certificate granted by the Land Tribunal was set aside by the first appellate court and remanded the matter back to the Land Tribunal for fresh disposal. Admittedly in S.M. proceeding the respondents herein, the owners of the property, claiming under the original landlord by way of succession were not parties and an ex parte order was passed against a deceased person. The adjudication rendered against the deceased respondent without impleading the legal representatives is a nullity in the eye of law. Hence, the order of remand deserves no interference. The revision is dismissed in limine. Sd/- P.SOMARAJAN JUDGE DMR/-

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