

T.Shaji vs K.Padmini,

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Court : Kerala Orders

Decided On : Oct-07-2022

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP(C)/41/2020

Appellant : T.Shaji

Respondent : K.Padmini,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 7TH DAY OF OCTOBER 2022 / 15TH ASWINA, 1944 AGAINST THE ORDER/JUDGMENT IN OS 3/1978 OF II ADDITIONAL MUNSIF COURT, NEYYATTINKARA PETITIONER :- T.SHAJI S/O. THE LATE MR. THOMAS, MAVUNINNA KULANGARAVILA VEEDU, THIRUPPURATHUR DESOM, THIRUPURAM P.O, NEYYATTINKARA TALUK, PIN 695 133. (LR OF DECEASED CR.PETITIONERS 15 & 16 IN I.A.8760/2010 & 1ST PETITIONER IN I.A.6130/2013-ADDL.22ND DEFT.IN O.S.3/1978. BY ADV S.JAMES VINCENT RESPONDENT/S: *1 K.PADMINI, K.P NIVAS, EZHAKUDIVILA VEEDU, THIRUPURATHUR DESOM, 2 K.P ANILKUMAR , 3 K.P BINUKUMAR, 4 K.P SAJEEV,

*(PETITIONERS 1 TO 4 IN I.A.8760/10 & CR.PTRS.13, 15, 16 & 17 IN I.A.6130/13-LRS OF DEAD PLAINTIFFS 1 & 2 AND OF DEAD DEFTS.1, 2, 4, 6, 7, 8, 9 & 10 IN O.S.3/1978.

5 APPAVU NADAR KRISHNAN NADAR, KRISHNANVILASOM BUNGALOW, MOOLAYILVILAKATHU, -DO- -DO- 6 KAMALAKSHI, D/O. AMMALU, MAVUNINNAKULANGARAVILA, DO- DO- 7 THANKAMMA 8 SURESHKUMARI D/O. THANKAMMA, MAVUNINNAKULANGARAVILA, -DO 9 MEENAKSHI, 10 DIVAKARAN,

MAVUNINNAKULANGARAVILA , -DO- 11 SUKUMARAN, DIVYA, THEKKEMUDANTHANNI, -DO- 12 SULOCHANA, 13 SADANANDAN, THEKKEMUDANTHANNI, -DO- 14 VIJAYAKUMAR, MAVUNINNAKULANGARAVILA -DO- 15 PADMAKUMAR, S/O. AMMALU, KRISHNAVILASOM BUNGALOW, -DO- 16 PUSHPAKARAN, S/O. AMMALU, -DO- -DO- 17 SNEHAPPU VASANTHA, MAVUNINNAKULANGARAVILA, -DO- -DO- 18 MARIYAMMA PANKAJAKSHI 19 J. BABU, S/O. JOHNSON, -DO- -DO- 20 APPI KRISHNANKUTTY, KULANGARA VEEDU, RESIDING AT K.P NIVAS, EZHAKUDIVILA, THIRUPURAM P.O, NEYYATTINKARA, PIN 695 133 (DIED) 21 KARTHIYAYANI CHINNAMMA, KALLUVETTANKUZHI, MEKKEPUTHENVEEDU, --DO- -DO- (DIED) 22 M. SOMAN, S/O. S/O. KARTHIYAYANI CHINNAMMA, KALLUVETTANKUZHI, MEKKEPUTHANVEEDU, -DO- -DO- 23 M. SUDHAKARAN, 24 M. SURENDRAN, 25 M. SURESHKUMAR, 26 NARAYANAN NADAR THOMAS NADAR, MAVUNINNAKULANGARA VEEDU, DO- DO- (DIED) 27 MARIYAMMA BHAI, MAVUNINNAKULANGARA VEEDU, -DO- -DO- (DIED) 28 A. VILASINI, D/O. RAMAKRISHNAN NADAR, -DO- -DO- 29 SNEHAMMA, W/O. GOVINDAN NADAR, -DO- (DIED) 30 G. KUTTAPPAN,

S/O. GOVINDAN NADAR, VARUTHATTUVILA VEEDU, DHANUVACHAPURAM, AMARAVILA P.O, NEYYATTINKARA, PIN 695 121. 31 G. SOMAN, S/O. GOVINDAN NADAR,

MAVUNINNAKULANGARAVILA, 32 G. SURESH KUMAR, S/O. GOVINDAN NADAR, -DO- 33 RENJITHAM, -DO- -DO- (DIED NO LR LEFT 34 T.S SINDHU, D/O. THANKAM, HOUSE NO. T.P VII/77. -DO- -DO- 35 KALYANI AMMALU, KRISHNA VILASOM BUNGALOW, MOLLAYILVILAKATHU, THIRUPPURATHUR DESOM, THIRUPURAM P.O, NEYYATTINKARA TALUK, PIN 695 133 (DIED) 36 PAPPAN NADAR GOVINDAN NADAR, KULANGARAVILA PURADYIDOM, DO-DO- (DIED) 37 KRISHNAN NADAR ERAYIMMAN NADAR, NELLIKALA KIZHAKKECHARIVU VEEDU, NELLIKKAMALA, KOVILLOOR, KUNNATHUKAL VILLAGE, NEYYATTINKARA TALUK, PIN 695 504 (DIED) 38 ERAYIMMAN NADAR KRISHNAN NADAR, NELLIKALA KIZHAKKECHARIVU VEEDU, NELLIKKAMALA, -DO- -DO-.

(COUNTER PETITIONERS 3, 12, 14 TO 16 & 18 IN I.A.8760/10; THE 2ND PETITIONER & COUNTER PETITIONERS 1, 4, 5, 8 TO 12 & 18 IN I.A.6130/13; COUNTER PETITIONERS 1,5,9 & 10 IN I.A.359/2015 ARE DEAD AND THEIR LRS ARE IMPLEADED AS THE PETITIONERS HEREIN, AND RESPONDENTS 1 TO 4, 8 TO 16, 19, 22 TO 25 AND 30 TO 32 HEREIN. BY ADVS. SRI.S.JUSTUS SRI.B.KRISHNA MANI SRI.P.NAGARAJ THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 07.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 07th day of October, 2022 The learned counsel appearing for the petitioner submits that the original petition may be dismissed as withdrawn without prejudice to the right of the petitioner to work out the remedies in accordance with law. The said submission is recorded. The original Petition is dismissed as withdrawn accordingly. Sd/- C.S.DIAS, JUDGE SMA

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