

Elsy vs Mary

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SooperKanoon Citation : sooperkanoon.com/1477395

Court : Kerala Orders

Decided On : Jan-28-2022

Judge : Honourable Mr.Justice K. Babu

Appeal No. : RSA/131/2005

Appellant : ELSY

Respondent : MARY

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU FRIDAY, THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 RSA NO. 131 OF 2005

AGAINST THE JUDGMENT AND DECREE IN AS 384/2000 OF IADDITIONAL DISTRICT COURT, THRISSUR AGAINST THE JUDGMENT

AND DECREE IN OS 1764/1996 OF PRINCIPAL MUNSIFF COURT,THRISSUR APPELLANTS/APPELLANTS/DEFENDANTS(COUNTER CLAIM PETITIONERS):
1 ELSY, W/O, CHIRAYATH FRANCIS, MARATHAKKARA VILLAGE AND DESOM,, THRISSUR DISTRICT. 2 JOHNSON, S/O.CHIRAYATH ELSY 3 JAISON, S/O.CHIRAYATH ELSY, 4 JINI, D/O.CHIRAYATH ELSY

MARATHAKKARA VILLAGE AND DESOM,, THRISSUR
RESPONDENTS/RESPONDENTS/PLAINTIFF AND DEFENDANTS 6 TO 10
(COUNTER CLAIM RESPONDENTS): 1 MARY, W/O CHIRAKKAL
PURAYIDATHIL MATHEW, 2 ANAND KUMAR, S/O ERATH LAKSHMY KUTTY
AMMA, 3 RAMACHANDRAN, S/O ERATH LAKSHMY KUTTY AMMA, 4
PREMALETHA, D/O ERATH LAKSHMY KUTTY AMMA, 5 MURALEEDHARAN,
S/O ERATH LAKSHMY KUTTY AMMA, ..2.. , 6 GEETHA, D/O.ERATH LAKSHMY
KUTTY AMMA 7 RAJASEKHARAN S/O.PADINJARE MANGATT PAPPI @
KALYANI AMMA, EDAKUNNY VILLAGE AND, DESOM, THRISSUR DISTRICT.
BY ADVS. SRI.K.S.BABU SMT.N.SUDHA THIS REGULAR SECOND APPEAL
HAVING COME UP FOR HEARING ON 28.01.2022, ALONG WITH
RSA.235/2005, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: ..3.. ,

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU FRIDAY, THE 28TH DAY
OF JANUARY 2022 / 8TH MAGHA, 1943 RSA NO. 235 OF 2005 AGAINST THE
JUDGMENT AND DECREE IN AS 114/2004 OF THE FIRST ADDITIONAL
DISTRICT COURT, THRISSUR AGAINST THE JUDGMENT AND DECREE IN
OS 1764/1996 OF PRINCIPAL MUNSIF COURT,THRISSUR
APPELLANTS/RESPONDENTS (1 TO 4)/DEFENDANTS (1 TO 4): 1 ELSY, W/O
CHIRAYATH FRANCIS, 2 JOHNSON S/O. CHIRAYATH ELSY 3 JAISON S/O.,
CHIRAYATH ELSY, MARATHAKKARA VILLAGE AND DESOM, THRISSUR 4
JINI D/O. CHIRAYATH ELSY MARATHAKKARA VILLAGE AND DESOM,,
THRISSUR RESPONDENTS/APPELLANT: RESPONDENTS 6 TO 11/PLAINITF
AND DEFENDANTS 6 TO 11: 1 MARY, W/O CHIRAKKAL PURAYIDATHIL
MATHEW, 2 ANAND KUMAR, S/O ERATH LAKSHMY KUTTY AMMA,
EDAKUNNY VILLAGE AND DESOM, 3 RAMACHANDRAN S/O. ERATH
LAKSHMY KUTTY AMMA, ..4.. ,

4 PREMALETHA D/O. ERATH LAKSHMY KUTTY AMMA, 5
MURALEEDHARAN S/O. ERATH LAKSHMY KUTTY AMMA, 6 GEETHA

D/O. ERATH LAKSHMY KUTTY AMMA EDAKUNNY VILLAGE ANSD
DESOM, THRISSUR DISTRICT. 7 RAJASEKHARAN SO. PADINJARE
MANGATT PAPPI @ KALYANI AMMA, EDAKUNNY VILLAGE AND
DESOM, THRISSUR DISTRICT. BY ADVS. R1, R2, R4, R5 & R7 BY
SRI.K.S.BABU SMT.N.SUDHA

THIS REGULAR SECOND APPEAL HAVING COME UP FOR HEARING ON
28.01.2022, ALONG WITH RSA.131/2005, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: ..5.. ,

JUDGMENT

There has been no representation for the appellants since 23.11.2021.

2. On 10.12.2021, Registry was directed to issue

notice to the appellants. Notice issued to Appellant Nos. 1 and 2 returned with the
endorsement refused. Appellant No.3 received notice. Notice sent to Appellant
No.4 has been returned with the endorsement not known.

3. Today when the matter was taken up for

hearing, nobody represented for the appellants. The appeals are therefore
dismissed for non-prosecution. Pending interlocutory applications, if any, stand
closed. Sd/- K. BABU, JUDGE kkj

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