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Ammini vs K.R. Regunathan

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SooperKanoon Citation : sooperkanoon.com/1629533

Court : Kerala

Decided On : Oct-28-2021

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : Mat.Appeal/394/2012

Appellant : Ammini

Respondent : K.R. Regunathan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS.JUSTICE SOPHY THOMAS THURSDAY, THE 28TH DAY OF OCTOBER 2021 / 6TH KARTHIKA, 1943 MAT.APPEAL NO.394 OF 2012 AGAINST THE JUDGMENT IN O.P.NO.848/2006 OF FAMILY COURT, THIRUVANANTHAPURAM APPELLANT/S: AMMINI, LEKSHMI NIVAS, SREEKARYAM (P.O.), THIRUVANANTHAPURAM NOW RESIDING AT VADAPPARATHARA VEEDU, MULAYKKALATHU KAVU, THATTATHUMALA, PONGANADU, CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM. BY ADVS. SRI.G.P.SHINOD SRI.MANU V. SRI.RAM MOHAN.G.

RESPONDENT/S: 1 K.R.REGUNATHAN, LEKSHMI NIVAS, GAFF HILL, SREEKARYAM, THIRUVANANTHAPURAM. (DIED) 2 RAJALEKSHMI, D/O.REGHUNATHAN, LEKSHMI NIVAS, GAFF HILL, SREEKARYAM, THIRUVANANTHAPURAM. (2ND RESPONDENT IS RECORDED AS LEGAL HEIR OF THE

DECEASED 1ST RESPONDENT IN MAT.APPEAL AS PER ORDER

DATED 10.2.2016 IN MAT.APPEAL No.394/12.) BY ADV SMT.A.SARA THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 28.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mat.Appeal No.394/2012 2

JUDGMENT

A.Muhamed Mustaque, J.

This appeal has been preferred as against the judgment in O.P.No.848/2006 dated 25.08.2011 on the file of the Family Court, Thiruvananthapuram.

2. The appellant was the petitioner before the Family

Court, Thiruvananthapuram. The appellant filed the above original petition seeking maintenance, recovery of gold ornaments and money and for a perpetual injunction. The Family Court dismissed the above original petition. Challenging the above judgment, this appeal was preferred.

3. Pending the appeal, the first respondent-husband died. The second respondent is the only legal heir.

4. O.P.No.848/2006 was tried along with O.P.No.817/2006, the case filed by the husband for divorce. The divorce was allowed. Mat.Appeal No.394/2012 3

5. As against granting the divorce, the appellant preferred Mat.Appeal No.347/2012. Reporting the death of the respondent-husband therein, this Court dismissed the appeal as infructuous on 12.2.2021.

6. The appellant's claim for maintenance cannot be

considered at this distance of time for the reason that the first respondent is no more. The only question now to be considered regarding the recovery of gold ornaments. We specifically asked the appellant on whether any property is left behind the deceased first respondent.

7. The learned counsel submitted that the property

belonged to the first respondent covered by Ext.A2 agreement has been already sold and Rs.4,00,000/- was paid to the appellant towards the maintenance due to her. In the light of the fact that no estate is left behind the deceased, all questions raised in the appeal have become Mat.Appeal No.394/2012 4 infructuous. We find there is no scope for examining the matter in detail. The appeal is only to be dismissed. Accordingly, it is dismissed. A.MUHAMED MUSTAQUE SOPHY THOMAS ln

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