

Mathew Alex vs Mary

Mathew Alex vs Mary

SooperKanoon Citation : sooperkanoon.com/1788586

Court : Kerala

Decided On : Jan-24-2020

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : RSA/94/2011

Appellant : Mathew Alex

Respondent : MARY

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
FRIDAY, THE 24TH DAY OF JANUARY 2020 / 4TH MAGHA, 1941
RSA.No.991 OF 2010 AGAINST THE JUDGMENT AND DECREE
DATED 09-07-2010 IN AS 139/2007 OF II ADDITIONAL DISTRICT
COURT,ERNAKULAM AGAINST THE JUDGMENT AND DECREE
DATED 30-01-2006 IN OS 152/2000 OF SUB COURT,
MUVATTUPUZHA APPELLANT (APPELLANT IN THE LOWER
APPELLATE COURT AND PLAINTIFF IN THE TRIAL COURT):

ALEX, S/O MATHEW, CHEMPATHIL, MONIPPILLY KARA, DO.
VILLAGE, MONIPPILLY P.O., MEENACHIL TALUK, KOTTAYAM

DISTRICT.PIN-686 636. BY ADV. SRI.S.VINOD BHAT
RESPONDENTS/RESPONDENTS IN THE APPELLATE COURT AND
DEFENDANTS IN THE TRIAL COURT): 1 KURUVILLA, S/O MATHEW,
CHEMBATTHIL, UZHAVOOR PANCHATATH,MONIPPILLY KARA,DO
VILLAGE, MONIPPILLY PO, MEENACHIL TALUK, PIN-686 636. 2
MATHEW, S/O.MATHEW,CHEMBATHIL, MUTHOLAPURAM KARA,
ELANJI VILLAGE, ELANJI P.O., MUVATTUPUZHA TALUK,PIN-686
665. 3 ABRAHAM, S/O.MATHEW, CHEMBATHIL, MUTHOLAPURAM
KARA, ELANJI VILLAGE, ELANJI P.O., MUVATTUPUZHA TALUK,PIN-
686 665.

4 SOJAN MANUEL @ SOJAN MANUAL, S/O.MANI CYRIAC,
VATTAPPALLY HOUSE, MONIPILLY KARA, DO VILLAGE,
REPRESENTED BY POWER OF ATTORNEY HOLDER MANI CYRIAC,
S/O.KURIAKOSE, VATTAPPALLY HOUSE,MONIPILLY KARA,
DO.VILLAGE, MONIPILLY P.O, PIN 686 636

5 SHAJI MANUAL @ MANUAL SHAJI, S/O.MANI
CYRIAC,VATTAPPALLY HOUSE, MONIPILLY KARA, DO VILLAGE,
MONIPILLY PO, PIN-686 636. 6 MARY, W/O.MANI CYRIAC,
VATTAPPALLY HOUSE, MONIPILLY KARA, RSA.991/2010 and
connected cases 2 DO. VILLAGE, MONIPPILLY PO, PIN-686 636. 7
SUNI MATHEW, W/O.SASI MANUAL, VATTAPPALLY HOUSE,
MONIPILLY KARA,DO. VILLAGE , MONIPILLY PO, PIN-686 636. 8
MANI CYRIAC, S/O.KURIAKOSE, VATTAPPALLY HOUSE, MONIPILLY
KARA, DO. VILLAGE, MONIPILLY PO., PIN-686 636. R4 TO R8 BY
ADV. SRI.ALIAS M.CHERIAN THIS REGULAR SECOND APPEAL
HAVING BEEN FINALLY HEARD ON 24.01.2020, ALONG WITH
RSA.72/2011(A), RSA.94/2011(C), THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: RSA.991/2010 and connected cases 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN FRIDAY, THE
24TH DAY OF JANUARY 2020 / 4TH MAGHA, 1941 RSA.No.72 OF 2011

AGAINST THE JUDGMENT AND DECREE DATED 09-07-2010 IN AS 155/2006 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM AGAINST THE JUDGMENT AND DECREE DATED 30-01-2006 IN OS 176/2002 OF SUB COURT, MUVATTUPUZHA APPELLANT/(1ST APPELLANT IN THE LOWER APPELLATE COURT, 1ST DEFENDANT IN THE TRIAL COURT:

ALEX, S/O MATHEW, CHEMPATHI, MONIPPILLY KARA, DO. VILLAGE, MONIPILLY P.O., MEENACHIL TALUK, KOTTAYAM DISTRICT., PIN - 686 636. BY ADVS. SRI.S.VINOD BHAT SRI.LEGITH T.KOTTAKKAL RESPONDENTS (RESPONDENTS 1 TO 3 ARE RESPONDENTS IN THE LOWER APPELLATE COURT & PLAINTIFF IN THE TRIAL COURT. RESPONDENTS 4 TO 7 HEREIN ARE APPELLANTS 2 TO 5 IN THE APPELLATE COURT AND DEFENDANTS 2 TO 5 IN THE TRIAL COURT):

1 MANI CYRIAC, S/O KURIAKOSE, KIZHAKKEVATTAPPALLIL HOUSE, UZHAVOOR PANCHAYATH, MONIPILLY KARA, DO. VILLAGE,, MONIPILLY P.O. PIN - 686 636. 2 MARY, W/O.MANI CYRIAC, KIZHAKKEVATTAPPALLIL HOUSE, UZHAVOOR PANCHAYATH, MONIPILLY P.O. PIN - 686 636. 3 SUNI MATHEW, JOURNALIST, W/O.SISI MANUAL, KIZHAKKEVATTAPPALLIL HOUSE, UZHAVOOR, PANCHAYATH, MONIPILLY P.O. PIN - 686 636. 4 ANNAMMA, W/O.ALEX, CHEMBATHIL, MONIPILLY KARA, MONIPILLY VILLAGE, MONIPILLY P.O. 686 636. RSA.991/2010 and connected cases 4 5 JOSE, S/O.MATHAI, RESIDING AT CHEMBATHIL, MONIPILLY KARA, MONIPILLY VILLAGE, MONIPILLY P.O. 686 636. 6 KURUVILLA, S/O.MATHEW CHEMBATHIL UZHAVOOR PANCHAYATH, MONIPILLY KARA,, DO. VILLAGE, MONIPILLY P.O. MEENACHIL TALUK, PIN 686 636. 7 ABRAHAM C.MATHEW, S/O.MATHEW CHEMBATHIL, MUTHOALPURAM KARA, ELANJI VILLAGE, ELANJI P.O., MUVATTUPUZHA TALUK, PIN 686 665. R1 TO R3 BY ADV. SRI.ALIAS M.CHERIAN THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 24.01.2020, ALONG WITH RSA.991/2010, RSA.94/2011, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: RSA.991/2010 and connected cases 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN FRIDAY, THE 24TH DAY OF JANUARY 2020 / 4TH MAGHA, 1941 RSA.No.94 OF 2011 AGAINST THE JUDGMENT AND DECREE DATED 09-07-2010 IN AS 156/2006 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM AGAINST THE JUDGMENT AND DECREE DATED 30-01-2006 IN OS 177/2002 OF SUB COURT, MUVATTUPUZHA APPELLANT (APPELLANT IN THE LOWER APPELLATE COURT AND PLAINTIFF IN THE TRIAL COURT)

MATHEW ALEX, S/O MATHEW, CHEMPATHIL, MONIPILLY KARA, DO. VILLAGE, MONIPILLY P.O., MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN - 686 636. BY ADVS. SRI.S.VINOD BHAT SRI.LEGITH T.KOTTAKKAL RESPONDENTS (RESPONDENTS IN THE LOWER APPELLATE COURT AND DEFENDANTS IN THE TRIAL COURT): 1 MARY, W/O MANI CYRIAC, KIZHAKKEVATTAPPALLIL HOUSE, UZHAVOOR PANCHAYATH,, MONIPILLY KARA, DO. VILLAGE, MONIPILLY P.O., PIN - 686 636.

2 SUNI MATHEW, JOURNALIST, W/O.SISIY MANUEL, MONIPILLY P.O., PIN - 686 636. 3 SOJAN MATHEW, S/O.SABI MANUEL, MONIPILLY P.O., PIN - 686 636. 4 SHAJI MANUEL, S/O.MANI CYRIAC, MONIPILLY P.O., PIN - 686 636. RSA.991/2010 and connected cases 6 5 MANI CYRIAC, S/O.KURIAKOSE, MONIPILLY P.O., PIN - 686 636. (DIED) 6 KURUVILLA, S/O.MATHEW, CHEMBATHIL, UZHAVOOR PANCHAYATH, MONIPILLY KARA, DO. VILLAGE, MONIPILLY P.O., MEENACHIL TALUK, PIN - 686 636. (DIED)

7 ABRAHAM C.MATHEW, S/O MATHEW, CHEMBATHIL, MUTHOALPURAM KARA, ELANJI VILLAGE, ELANJI P.O., MUVATTUPUZHA TALUK, PIN - 686 665. 8 MATHEW, MATHEW, S/O MATHEW, CHEMBATHIL, MUTHOALPURAM KARA, ELANJI VILLAGE, ELANJI P.O., MUVATTUPUZHA TALUK, PIN - 686 665. R1 TO R5 BY ADV. SRI.ALIAS M.CHERIAN THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 24.01.2020, ALONG WITH RSA.991/2010, RSA.72/2011(A), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: RSA.991/2010 and connected cases 7

JUDGMENT

The learned counsel for the appellant fairly submitted that the sole appellant passed away on themselves in the party array of the appeal. As such, all the three appeals are dismissed as abated. Sd/- P.SOMARAJAN JUDGE msp //TRUE COPY// P.A. TO JUDGE

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