

IN THE HIGH COURT OF TRAVANCORE-COCHIN AT KOLLAM.

Present:-

\* The Hon'ble Shri K.T. Koshi, Chief Justice  
and  
The Hon'ble Shri Joseph Vithayathil, Judge.

A. S. No. 7 of 1952.

C.S.No. 236 of 1952 on the file of Alleppey District Court.

Appellant:- Defendant.

Krishna Kappethi Rameshchandra Kannaithi of Kakkarazhathu Madom,  
Vadakkum Muri, Thiruvoor Padinjattumkara Vadakkum Muri.

By Advocate Shri S. Marayanan Potti.

Respondents:- Plaintiffs 3 and 5.

1. Varana Pai Daya Pai of Pannavelikkattom alias Kandanthiparampil  
residing at Velappampal Kandanthurathu Muri, Thiruvoor  
Vadakkum Muri.

2. Varana Pai Viswanatha Pai of do. do.

By Advocate Shri M. Varadaraja Iyengar for Respondent 1.

This Appeal Suit having been finally heard on 25-11-1954, this  
court on the same day delivered the following:-

JUDGMENT.

The appeal relates to the costs disallowed to the defendant-mortgagee  
in an action for redemption and the costs he has been asked to pay to  
the plaintiff-mortgagor. The reason given by the lower court for its  
order as to costs is that the mortgagee claimed more amounts by way of  
redemption price than what he is really entitled. That portion of the  
decree has not been appealed against, but in the appeal from the con-  
nected suit for arrears of rent under the lease-back accompanying the  
mortgage we have held that the mortgagee's claim for 33 years' arrears  
charged on the equity of redemption was correct and allowed the appeal.  
In the circumstances we consider that the most equitable order regarding  
costs will be to ask both sides to bear their respective costs, both  
here and in the lower court and we decide accordingly.

The appeal will stand allowed to this extent. As indicated already  
we make no order for costs of the appeal.

Order accordingly.

Sd/- K.T. Koshi, C.J.,  
Sd/- Joseph Vithayathil, J.

(True Copy)

25-11-1954.

Compd. by  
S. Lakshmi  
M.K. maps.

By Joseph Vithayathil  
Asst. Registrar,  
for Registrar.