

IN THE HIGH COURT OF JUDICATURE OF TRAVANCORE-COCHIN

Present:

The Hon'ble Shri G. Kumara Pillai, Judge *
and The Hon'ble Shri M.S. Menon, Judge

Appeal Suit No. 27 of 1954

O.S. No. 103 of 1124 of the Alleppey District Court

Appellants--defendants 5 and 8

1. Pylo Thomas of Thottukadavil Kampakkaran Veettill, Kadakkarapally Muri, Vaylar Mekku Pakuthy, Shertallai
2. Chacko Rocky of do. *do*
Advocate General
By advocates Shri V. Subramonian Moothathu
and Advocate General

Respondent - plaintiff

Manick Bava of Vettakkal, Paliyatharayil, residing at Vadakkey Valam Thayil, Uzhuva Muri, Vylar Mekku Pakuthy

By advocates M/s K.P. Abraham & K.T. Ninan

This appeal suit having been finally heard on 24.8.1955, the court on the same day delivered the following

JUDGMENT

This is an appeal against the decree in a redemption suit. Defendants 5 and 8 are the appellants. The only point pressed in appeal related to the value of improvements payable by the plaintiff. Since there is an express provision in the document that value of improvements is payable only on the patton basis and the document also provides for the rates of capitalisation we see nothing improper in the award relating to this matter, except in regard to the valuation of the areca-nut trees and the jack trees. The plaintiff agrees in this court to pay the full value claimed by the appellant in regard to these two items. We therefore enhance the value of improvements which the plaintiff has been directed to pay by Indian Rs. 205. The appeal is allowed to this extent and dismissed in other respects. As the appellant has unnecessarily swollen the appeal valuation, we direct the parties

to give and take proportionate costs in this court calculated on the valuation of the appeal given by the appellant in the appeal memorandum.

24.8.1955

SD. G. KUMARA PRASAD, JUDGE
SD. M.S. MENON, JUDGE

[True copy]

Complied by
P. J. Chinn

L. A. Menon
Deputy Registrar
For Registrar

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copy of judgment
