

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 23RD DAY OF FEBRUARY 2017/4TH PHALGUNA, 1938

CROSS OBJECTION IN AS.No. 102 of 2001 (C)

AGAINST THE ORDER/JUDGMENT IN OS 589/1996 of SUB COURT, THRISSUR DATED
30-09-2000

CROSS OBJECTOR/FIRST RESPONDENT(S) :

K.V.SUBRAMANIAN, AGED 61, S/O. VELAYUDHAN,
KUNNATHULLY HOUSE, EDAKALATHUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.R.D.SHENOY & ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S) :APPELLANTS:

1. K.V.MAHENDRAKUMAR, S/O.KUNNATHULLY VELAYUDHAN,
EDAKALATHUR VILLAGE, THRISSUR TALUK.
2. K.V.MAHINDRAKUMAR, DO.DO.
3. K.V. BALAKRISHNAN, DO/ DO.
4. SMT. PREETHA, W/O. K.V.MAHENDRAKUMAR, DO.
5. K.V. MOHANDAS, S/O. KUNNATHULLY VELAYUDHAN,
KOCHERY, ERANALLUR VILLAGE, DESOM, THALAPILLY TALUK.

SRI P.R.VENKITESH

THE CROSS OBJECTION HAVING BEEN FINALLY HEARD ON 23-02-2017,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.N. Ravindran &
Anu Sivaraman, JJ.**

Cross Appeal in A.S.No.102 of 2001

Dated this the 23rd February, 2017

JUDGMENT

P.N. Ravindran, J.

A.S.No.102 of 2001 arises from the decree and judgment passed by the Court of the Subordinate Judge of Thrissur in O.S.No.589 of 1996. The appeal was originally filed in the District Court, Thrissur where it was numbered as A.S.No.417 of 2000. Upon receipt of summons the first respondent in the appeal filed a memorandum of cross objections. Later, A.S.No.417 of 2000 was withdrawn from District Court, Thrissur to this court and numbered as A.S.No.102 of 2001. A.S.No.102 of 2001 was dismissed as withdrawn pursuant to a settlement entered into between the parties. The cross objections was however not disposed of.

2. When the cross objections came up for consideration today, learned counsel appearing for the cross objector/first respondent in the appeal submitted that the cross objector passed way on 9.12.2001. Learned counsel also submitted that in view of the fact that the dispute between the parties was settled out of court and the appeal itself was dismissed as withdrawn, the cross appeal may be closed as abated. In

the light of the said submission the cross appeal is closed as abated.

(P.N. Ravindran, Judge)

(Anu Sivaraman, Judge)

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P.N. Ravindran &

Anu Sivaraman, JJ.

Cross Appeal in
A.S.No.102 of 2001

JUDGMENT

23rd February, 2017