

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

&

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 31ST DAY OF OCTOBER 2017/9TH KARTHIKA, 1939

RFA.No. 657 of 2016 ()

AGAINST THE JUDGMENT AND DECREE IN OS 169/2011 of SUB COURT,
PERUMBAVOOR DATED 05-03-2013

APPELLANT(S)/3RD DEFENDANT:

JOSHI
AGED ABOUT 52 YEARS, S/O VARKEY, CHENGALATHUPARAMBIL HOUSE,
KUMALIKARA, KUMALI VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.

BY ADVS.SRI.T.KRISHNANUNNI (SR.)
SRI.K.N.CHANDRABABU

RESPONDENT(S)/PLAINTIFFS AND DEFENDANTS 1 & 2:

1. CHINNAMMA
AGED 72 YEARS, W/O MATHEW, NADAMKUZHI HOUSE,
PULLUVAZHY KARA, RAYAMANGALAM VILLAGE,
KUNNATHUNADU TALUK 683 545.
2. JOSE,
S/O MATHEW, AGED 53 YEARS, NADAMKUZHI HOUSE,
PULLUVAZHY KARA, RAYAMANGALAM VILLAGE,
KUNNATHUNADU TALUK 683 545.
3. SAJU,
S/O MATHEW, AGED 44 YEARS, NADAMKUZHI HOUSE,
PULLUVAZHY KARA, RAYAMANGALAM VILLAGE,
KUNNATHUNADU TALUK 683 545.
4. THOMAS,
S/O MATHEW, AGED 34 YEARS, NADAMKUZHI HOUSE,
PULLUVAZHY KARA, RAYAMANGALAM VILLAGE,
KUNNATHUNADU TALUK 683 545.
- * 5. JOSE V. MATTAMOUSEPH,
AGED ABOUT 68 YEARS, S/O VARKEY, MANULLIL HOUSE,
KUMALI KARA, KUMALI VILLAGE, PEERUMEDU TALUK,
IDUKKI DISTRICT 685 531. (DIED)
6. KOCHU THRESSIA THRESSIA,
AGED ABOUT 55 YEARS,

W/O MANUEL, ALANGATTUMANAVARAN HOUSE,
KOCHIN CORPORATION, DIVISION 36,
THRIKKANAVATTAM DESAM, ERNAKULAM VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT 682 030.

ADDL.R7: MARY JOSE, AGED 63 YEARS, W/O. JOSE, MATTATHIL HOUSE,
MANJALLOOR VILLAGE, THODUPUZHA TALUK, IDUKKI DIST.,
PIN0686 670.

ADDL.R8-GEORGE, AGED 40 YEARS, S/O. JOSE, DO.

ADDL.R9-UNNIMOL JOSHY, AGED 42 YEARS, S/O. JOSE,
CHENGALATHUPARAMBIL HOUSE, KUMALIKARA, KUMALI VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT, PIN-685509.

ADDL.R10-LOVELY SAJU, D/O. JOSE, NADAMKUZHI HOUS,
RAYAMANGALAM VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM DISTRICT,
PIN-683541.

*(LEGAL HEIRS OF DECEASED FIFTH RESPONDENT ARE IMPEADED AS ADDL.R7 TO
R10 AS PER ORDER IN IA 2884/2016 DT.31.10.2016)

R3 BY ADV. SRI.SIRAJ KAROLY
R3 BY ADV. SRI.R.PARAMESWARA IYER
ADDL R10 BY ADV. SRI.P.VISWANATHAN
ADDL R10 BY ADV. SRI.PRAMOD KOCHUTHOMMEN.E.
R1 BY ADV. SRI.T.A.UNNIKRISHNAN
R1 BY ADV. SRI.K.K.AKHIL

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 31-10-2017,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.N. Ravindran &
Devan Ramachandran, JJ.**

R.F.A.No.657 of 2016

Dated this the 31st October, 2017

JUDGMENT

Devan Ramachandran, J.

We have by a separate order passed today, dismissed C.M.Appl. No.618 of 2016 to condone the delay of 1211 days in filing this appeal. Consequently, this appeal is dismissed as barred by limitation. Needless to say, the appellant will be entitled to refund of half of the court fee paid on the memorandum of appeal (one half of one third), in the light of the decision of the Full Bench of this court in **Sukumaran Nair v. Special Tahsildar** (2009 (4) KLT 342 - FB).

(P.N. Ravindran, Judge)

(Devan Ramachandran, Judge)

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