

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 2ND DAY OF DECEMBER 2014/11TH AGRAHAYANA, 1936

RFA.No. 428 of 2014 ()

JUDGMENT IN OS 81/2002 of SUB COURT, PATHANAMTHITTA DATED 28-02-2014

APPELLANTS:

1. THE ADOOR CO-OPERATIVE URBAN BANK LIMITED NO.1804,
ADOOR VILLAGE, PATHANAMTHITTA DISTRICT
REPRESENTED BY ITS SECRETARY.

2. P.CHANDRASEKHARA KURUP
CHAIRMAN
THE ADOOR CO-OPERATIVE URBAN BANK LIMITED NO.1804
ADOOR VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.T.M.RAMAN KARTHA
SRI.JOSEPH RONY JOSE
SMT.O.A.NURIYA
SRI.P.E.ISHAQ

RESPONDENTS:

1. M/S.VINAYAKA TIMBERS & WOOD CRAFTS
ANANDAPPALLY P.O, ADOOR, PIN 691 525
REPRESENTED BY ITS MANAGING PARTNER, N.H.SHARMA.

2. ASHOK SHARMA
S/O.N.HARIHARAPUTHRA SHARMA, PRASANTH, ANANDAPPALLY
ADOOR 691 525.

3. VRINDA SHARMA K.R
W/O.N.HARIHARAPUTHRA SHARMA, PRASANTH, ANANDAPPALLY
ADOOR 691 525.

4. PRAKASH SHARMA
S/O.N.HARIHARAPUTHRA SHARMA, PRASANTH, ANANDAPPALLY
ADOOR 691 525.

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 02-12-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

smv

P.N. RAVINDRAN & P.B.SURESH KUMAR, JJ.

R.F.A. No.428 of 2014

Dated this the 2nd day of December, 2014

ORDER

P.N. Ravindran,J.

Though this appeal was admitted and notice ordered to the respondents on 24.06.2014, the appellants have not till date paid the balance court fee payable on the memorandum of appeal. They have also not applied for enlargement of time. The appeal is accordingly rejected for non-payment of balance court fee. Needless to say, in view of the decision of the Division Bench of this Court in **Jamal v. Mohammedkutty** [2003(3)KLT 903], the appellants will be entitled to refund of the court fee paid by them on the memorandum of appeal.

Sd/-

P.N. RAVINDRAN, JUDGE

Sd/-

P.B.SURESH KUMAR, JUDGE

//true copy//

P.A. To Judge

smv