

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

AFA.No. 2 of 1996 ()

AGAINST THE ORDER/JUDGMENT IN AS 373/1987 of HIGH COURT OF
KERALA DATED 17-07-1995

AGAINST THE ORDER/JUDGMENT IN OS 21/1984 of SUB COURT,
VADAKARA DATED 24-08-1987

APPELLANT(S) : /2ND RESPONDENT IN A.S./1ST DEFENDANT

E. APPUNNI NAIR, S/O.KRISHNAN NAIR,
AGED 64 YEARS, KAUSTHUBAM,
(P O) MUCHUKUNNU, KOZHIKODE DIST.,
QUILANDY TALUK.

BY ADV. SRI.C.VATHSALAN

RESPONDENT(S) : /RESPONDENTS 1 AND 3, APPELLANTS 2 TO 6 IN A.S./
PLAINTIFF & DEFENDANTS 3 TO 8

1. E. NANU NAIR, S/O.KRISHNAN NAIR,
RESIDING AT THAZHA EDAPPANA,
VALAYAM AMSOM, NITTOOR DESOM,
P.O.NITTOOR, BADAGARA TALUK,
KOZHIKODE DIST.

2. E.APPUKKUTTAN NAIR, DIED
S/O.KRISHNAN NAIR,
RESIDING AT PARAVANTA KANDIYIL,
MEMUNDA AMSOM, (P.O.) KEEZHAL,
BADAGARA TALUK, KOZHIKODE DIST.

3. CHANDRAN NAIR, S/O.CHANDU NAIR,
EDAYILADATH HOUSE,
P.O. KEEZHAL, (VIA) BADAGARA,
KOZHIKODE DIST.

4. GOURI LAKSHMI, D/O.CHANDU NAIR,
EDAYILADATH HOUSE
(P.O.)KEEZHAL, (VIA) BADAGARA,
KOZHIKODE DIST.

5. VASANTHA KUMARI, D/O.CHANDU NAIR,
EDAYILADATH HOUSE (P.O.) KEEZHAL,
(VIA) BADAGARA, KOZHIKODE DIST.
6. JANARDANAN, S/O.CHANDU NAIR,
EDAYILADATH HOUSE, (P.O.) KEEZHAL,
(VIA) BADAGARA, KOZHIKODE DIST.
7. BABU RAJAN, S/O.CHANDU NAIR,
EDAYILADATH HOUSE,
(P.O.) KEEZHAL, (VIA) BADAGARA,
KOZHIKODE DIST.

R1 BY ADV. SRI.R.PARTHASARATHY
R1 BY ADV. SMT.SEEMA
R2 BY ADV. SRI.K.P.G. MENON
R3 -R6 BY ADV. SRI.D.KRISHNA PRASAD
R3 -R6 BY ADV. SRI.JOJI VARGHESE
R3 -R6 BY ADV. SRI.HARIKRISHNAN

THIS APPEAL FROM FIRST APPEAL HAVING COME UP FOR
ADMISSION ON 11-08-2015, ALONG WITH AFA. 35/1996, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
AFA Nos.2 and 35 of 1996
and
CMP No.83 of 1996 in AFA No.2 of 1996
.....
Dated this the 11th day of August, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

Memo filed by Adv.Parthasarathy in AFA No. 2 of 1996 is recorded. The fact of the matter remains that with the death of the second respondent in that appeal, who is the third respondent in AFA No.35 of 1996, these two appeals which arise from a suit for partition have become ill-constituted, since these appeals are abated against that person. Estate of that person is no more represented. Hence, these appeals are abated as a whole. We also record that no further steps have been taken. It appears that the appellants have not given further instructions to the learned counsel to enable due prosecution of these appeals any further. Hence, the captioned CMP and the appeals are dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)