

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

AS.No. 241 of 1998 (A)

AGAINST THE JUDGMENT IN OS 361/1992 of I ADDL.SUB COURT, KOZHIKODE
DATED 30-08-1997

APPELLANTS/DEFENDANTS;

1. KANNACHAMKANDI PARAMBIL SHOBA,
W/O.THIIYAKKANDI BHASKARAN, 43 YEARS,
MANGOTTH PARAMBU, KOTTOLI AMSOM DESOM,
KOZHIKODE TALUK
2. KANNACHAMKANDI PARAMBIL THIIYAKKANDI BHASKARAN
S/O.KANARAKUTTY, 52 YEARS, MECHANIC,
KOTTOLI AMSOM DESOM,
KOZHIKODE TALUK.

BY ADVS.SRI.M.C.SEN (SR.)
SRI.AVM.SALAHUDIN

RESPONDENT/PLAINTIFF:

PASHNATH KALLIANI
D/O.RAMU, 70 YEARS
SWASTHAM, KALATHIKUNNATH DESOM,
KOZHIKODE TALUK (DIED RECORDED)

(THE DEATH OF 1ST RESPONDENT RECORDED VIDE ORDER DTD.2.9.2014
IN MEMO DATED 11.8.2014 VIDE CF.NO.5195/2014)

BY ADV. SRI.A.ANTONY

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 25-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRAN, JJ.

A.S. No.241 of 1998

Dated this the 25th day of February, 2015

J U D G M E N T

P.N.Ravindran, J.

Though the learned counsel appearing for the respondent had filed a memo dated 11.8.2014 to the effect that the sole respondent in the appeal passed away on 20.6.2013 and a copy of the memo was served on the learned counsel appearing for the appellants, the appellants have not so far taken steps to implead the legal heirs of the deceased respondent.

2. When this appeal came up for hearing on 2.9.2014, the learned counsel appearing for the appellants sought time to take steps to implead the legal heirs of the deceased respondent and one month's time was granted. When the appeal came up for hearing on 31.10.2014, two weeks' further time was granted for curing the defects. Though the appeal thereafter stood posted on 6.2.2015, 12.2.2015 and 18.2.2015, till date, the appellants have not taken steps to implead the legal heirs of the deceased respondent. In such circumstances, the appeal is dismissed as abated.

**P.N.RAVINDRAN,
(JUDGE)**

**ANIL K.NARENDRAN,
(JUDGE)**

vps