

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

AS.No. 378 of 1997

JUDGMENT DATED 19-08-1996 IN IA.NO.1117/1992 IN OS 121/1980 of SUB COURT,
KASARAGOD

APPELLANT(S)/R5 & R10/D5 & D10:

1. RUKMINI AMMA, AGED 80 YEARS,
WIDOW OF GANAPATHY BHAT.
2. SRINIVASA BHAT, AGED 52 YEARS,
SON OF LATE GANAPATHY BHAT.

BOTH ARE HINDUS, LANDHOLDERS, RESIDING AT
KURUMUNJI HOUSE, KUMBDARE VILLAGE,
P.O.MOVVAR, KASARAGOD TALUK AND DISTRICT.

BY ADVS.SRI. D.KRISHNAPRASAD
SMT.O.K.SANTHA

RESPONDENT(S)/PLAINTIFFS/PETITIONER AND R2 TO R4, R6 TO R9 & R11 TO R16:

1. KAMALA, AGED ABOUT 65 YEARS,
W/O.LATE P.VISHNU BHAT, HINDU,
HOUSEHOLD, RESIDING AT CHERKUDLU HOUSE,
PERDALA VILLAGE AND POST, KASARAGOD
TALUK AND DISTRICT,
2. ANANTHA BHAT, AGED ABOUT 57 YEARS,
SON OF SUBRAHMANYA BHAT.
3. RADHAKRISHNA BHAT, AGED ABOUT 53 YEARS,
S/O.SUBRAHMANYA BHAT.
- * 4. ACHUTHA BHAT, AGED 79 YEARS,
SON OF ANANTHA BHAT. (DIED)

RESPONDENTS 2 TO 4 ARE HINDUS, LANDHOLDERS,
RESIDING IN KURUMUNJI HOUSE, KUMBDARE VILLAGE,
P.O.MOVVAR, KASARAGOD TALUK AND DISTRICT.

* IT IS RECORDED THAT THE 4TH RESPONDENT DIED ON 7.6.1997 AND NONE
NEED BE IMPEADED AS THE LEGAL REPRESENTATIVES
OF THE DECEASED 4TH RESPONDENT AS PER ORDER DTD.2.2.2000
IN MEMO DATED 14.10.1998 WITH C.F. NO.14809/1998.

5. SRIDEVI, AGED ABOUT 62 YEARS,
W/O.VENKATRAMANA BHAT, HINDU, HOUSEHOLD,
SHIRANTHADKA HOUSE, PADRE VILLAGE,
P.O.PADRE (VIA), PERLA, KASARAGOD TALUK & DISTRICT.

Msv/

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6. KAMALA, AGED ABOUT 57 YEARS, W/O.RAMA BHAT, HINDU, HOUSEHOLD, RESIDING AT AVALAKEDUKODI, BAYAR VILLAGE, P.O.SAJANKILA (VIA), UPPALA, KASARAGOD TALUK & DISTRICT.
7. SUMATHI, AGED ABOUT 55 YEARS, W/O.SRIHARI BHAT, HINDU HOUSEHOLD, RESIDING IN PADEKARYA HOUSE, BADAGANNOOR VILLAGE, P.OPADUVANNOOR, PUTTUR TALUK, D.K.DISTRICT.
8. SUNANDA, AGED ABOUT 53 YEARS, W/O.MADHAVA BHAT, HINDU, HOUSEHOLD, RESIDING AT PADEKARYA HOUSE, BADAGANNOOR VILLAGE, P.OPADUVANNOOR, PUTTUR TALUK, D.K.DISTRICT.
9. SUBRAHMANYA BHAT AGED ABOUT 30 YEARS,
10. SATHYANARAYANA BHAT, AGED ABOUT 27 YEARS,
11. GOVINDA BHAT, AGED ABOUT 24 YEARS,

RESPONDENTS 9 TO 11 ARE THE SONS OF 2ND RESPONDENT ANANTHA BHAT, HINDUS, LANDHOLDERS, RESIDING AT KURUNMUNJI HOUSE, KUMBDAJE VILLAGE, P.O.MOVVAR, KASARAGOD TALUK AND DISTRICT.
12. GANGADEVI, AGED ABOUT 55 YEARS, W/O.S.ANANTHA BHAT, HINDU, HOUSEHOLD, RESIDING AT CHERUPANATHY HOUSE, PANATHODY VILLAGE HOSDRUG TALUK, P.O.MALEKKAL (VIA) RAJAPURAM.
13. SUSHEELA, AGED ABOUT 50 YEARS, W/O.ACHUTHA BHAT, HINDU HOUSEHOLD, RESIDING IN CHADU KUDLU HOUSE, BADAGANNUR VILLAGE, P.O.BADAGANNUR, PUTTUR TALUK, D.K.DISTRICT.
14. KAMALA, AGED ABOUT 47 YEARS, W/O.MADHAVA BHAT, HINDU HOUSEHOLD RESIDING IN BANTAJE HOUSE, NIDPALLI VILLAGE, P.O.NIDPALLI PUTTUR TALUK, D.K. DISTRICT.

BY ADVS. SRI.M.C.SEN
SRI.M.P.SREEKRISHNAN
SMT.P.VANI

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 05-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

P.B.SURESH KUMAR, J.

A.S.No.378 of 1997

Dated this the 5th day of June, 2015

JUDGMENT

Service of notice on the ninth respondent is not complete. The Registry granted time to the appellants to cure the defect as early as on 25.7.2011. Till date, the defect noted in the appeal is not cured.

The appeal is therefore dismissed for default.

P.B.SURESH KUMAR, JUDGE.

smm