

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

CRP.No. 1285 of 2002  
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A.S.NO.101/1998 OF DISTRICT COURT, PATHANAMTHITTA  
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REVISION PETITIONER(S)/(ADDL.APPELLANTS 2 TO 4) :  
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1. INDIRABHAI AMMA,  
W/O.LATE RAMAN KARUNAKARAN, THADATHIL VADAKKETHIL VEETIL,  
MEZHUVELI VILLAGE, KOZHENCHERRY TALUK.
2. SHEELAKUMARI T.K.,  
D/O.INDIRABHAI AMMA, RESIDING AT -DO- -DO-.
3. DILEEP KUMAR,  
S/O.LATE KARUNAKARAN, RESIDING -DO- -DO-.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENT(S)/(RESPONDENTS) :  
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- \* 1. PAPPI KALYANI,  
KUNINTE PADINJATTETHIL VEETIL, KARAKKADU MURI,  
MULAKKUZHA VILLAGE.(DIED)
- \*\* 2. PAPPI NANI,  
PEZHUMKALAYIL VEETIL, AYKKARAKONAM MURI,  
PUNALUR VILLAGE.(DIED)
- & 3. RAMAN RAGHAVAN,  
VATTAKKOOTTATHIL VEETIL, MEZHUVELI VILLAGE (DIED).
4. PAPPI LEKSHMIKUTTY,  
THADATHIL VADAKKETHIL VEETIL, -DO- -DO-.
- \*\*\* 5. KALYANI MALAYIL PARAMPIL VEETIL,  
KALLISSERI VILLAGE.(DIED)
6. KALYANI SUMATHI, -DO- -DO-.
- & 7. KALYANI GOURI, -DO- -DO-. (DIED)
8. NANU DIVAKARAN, -DO- -DO-.
9. PRABHAKARAN, -DO- -DO-.

10. KALYANI DEVAYANI, -DO- -DO-.
11. KALYANI PRASANNA, -DO- -DO-.
12. BHANUMATHI,  
VATTAKOOTTATHIL VEETIL, MUZHUVELI VILLAGE.
13. ROHINI, -DO- -DO-.
14. BABU, -DO- -DO-.
15. SAJI, -DO- -DO-.
16. AJI, -DO- -DO-.
17. MOHAN, -DO- -DO-.

**& IT IS RECORDED THAT R3 AND R7 DIED LEAVING THE OTHER RESPONDENTS AS LEGAL HEIRS AND THAT NOBODY NEED BE IMPEADED AS VIDE ORDER DATED 16.07.2014 IN MEMO DATED 29.05.2004 BEARING C.F.NO.4606/04.**

**\*\*\* IT IS RECORDED THAT R5 DIED LEAVING THE OTHER RESPONDENTS AS LEGAL HEIRS AND THAT NOBODY NEED BE IMPEADED AS VIDE ORDER DATED 16.07.2014 IN MEMO DATED 18.02.2008 BEARING C.F.NO.3520/08.**

**# ADDITIONAL R18 AND R19 IMPEADED**

18. BHASURANGAN @ KUNJUMON,  
SREENILAYAM, PARACKAL, KARAKKAD (P.O),  
CHENGANNUR- 689 504.
19. RAHULAN @ BABU,  
KULATHINTEMEL, PARACKAL,  
KARAKKAD (P.O), CHENGANNUR- 689 504.

**# ADDITIONAL R18 AND R19 ARE IMPEADED AS THE LEGAL HEIRS OF THE DECEASED 1ST RESPONDENT VIDE ORDER DATED 05.01.2015 IN I.A.NO.1551/2014.**

**\*\* ADDITIONAL R20 IMPEADED**

20. SADASIVAN,  
DIVYA AYURVEDA HOSPITAL, SASTHAMCOTTA (P.O),  
KOLLAM, PIN- 690 521.

**\*\* ADDITIONAL R20 IS IMPEADED AS THE LEGAL HEIRS OF THE DECEASED 2ND RESPONDENT VIDE ORDER DATED 05.01.2015 IN I.A.NO.2582/2014.**

**R1 & R2 BY ADV. SRI.K.G.NARAYANAN NAIR  
R20 BY ADV. SRI.K.V.ANIL KUMAR**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

**P.BHAVADASAN, J.**

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C.R.P. No. 1285 of 2002  
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Dated this the 04<sup>th</sup> day of March, 2015

**ORDER**

This revision is directed against the order dated 30.06.2000 in A.S.No. 101/1998.

2. The suit is one for partition in which preliminary decree was passed. An appeal was filed against the preliminary decree which was filed out of time and petitioners filed a petition to condone the delay. While the delay condonation petition was pending, one of the parties died and his legal heirs were brought on the party array. Subsequently, the delay condonation petition was dismissed so also the appeal.

3. It is by now well settled that when the delay condonation petition is dismissed and the appeal is consequently dismissed, only second appeal will lie.

This Civil Revision Petition is not maintainable and it is accordingly dismissed.

Sd/-  
**P.BHAVADASAN**  
**JUDGE**

ds

//True copy//

P.A. to Judge

