

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

CRP.No. 87 of 2012 ()

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(AGAINST THE JUDGMENT AND DECREE IN CMA.NO. 24/2006 OF DISTRICT COURT,  
KASARAGOD DATED 02-07-2008)

OP.(SC)NO. 5/2005 OF MUNSIFF COURT, HOSDURG

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REVISION PETITIONER/APPELLANT/2ND RESPONDENT :

V.K.RAGHAVAN, AGED 61 YEARS,S/O.RAMAN NAIR,  
THOTTACHOLA HOUSE, SOUTH LAND P.O.,  
KOLATHUR VIA, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/RESPONDENTS/PETITIONER AND RESPONDENTS 1,3,4 AND 5 :  
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1. P.THAMBAYI,  
W/O.LATE VALIYA VEETIL VELLAT KAMBATH PADMANABHAN,  
RESIDING AT THEKKEPURAM, UDINOOR P.O.- 670 349,  
HOSDURG TALUK.
2. V.K.SUBADRA, W/O.PRABHAKARAN NAIR,  
RESIDING AT KOLLIYATH, PALUR, PULAMANTHOLE P.O.-679 323,  
PERINTALMANNA TALUK, MALAPPURAM DISTRICT.
3. V.K.PREMAKUMARI,  
W/O.CHINNAKUTTY NAIR, MALAYATH HOSUE,  
P.O.ATHAVANANDU-676 310 VIA THIRUNAVAYA,  
TIRUR TALUK, MALAPPURAM DISTRICT.
4. V.K.REMADEVI, W/O.SIVASANKARAN NAIR,  
KOTTATHODI HOUSE, KOORACHIPPADI,  
P.O. VILAYUR WEST-679 303, OTTAPPALAM TALUK,  
PALAKKAD DISTRICT.
5. K.V.SAJEEVAN,  
S/O.CHERIYAMBU, RESIDING AT UDINOOR VILLAGE,  
UDINOOR P.O.- 670 349, HOSDURG TALUK, KASARGOD DISTRICT.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**B.KEMAL PASHA, J.**

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C.R.P. No.87 of 2012

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*Dated this the 29<sup>th</sup> day of May, 2015*

**ORDER**

The petitioner is challenging the judgment dated 02.07.2008 passed by the learned District Judge, Kasaragod, in C.M.A.No.24 of 2006. The 1<sup>st</sup> respondent, as petitioner, had applied for a succession certificate for enforcing a promissory note executed by the 5<sup>th</sup> respondent herein in favour of deceased Padmanabhan Nair. According to the 1<sup>st</sup> respondent, she was lawfully married to deceased Pandmanabhan Nair. The petitioner herein is one of the brothers of deceased Pandmanabhan Nair. Respondents 2 to 4 are the sisters of deceased Padmanabhan Nair.

2. The execution of the promissory note is not denied by the 5<sup>th</sup> respondent. It seems that before the Munsiff's

court, in the succession O.P., PWs 1 to 5 were examined on the part of the 1<sup>st</sup> respondent herein. Records kept by the temple committee under the auspices of which the marriage of the 1<sup>st</sup> respondent and the deceased Padmananbhan Nair was conducted, were also produced. It is pertinent to note that respondents 2 to 4, who are sisters of deceased Padmanabhan Nair, are not challenging the marriage of the 1<sup>st</sup> respondent with deceased Padmanabhan Nair. The only person, who has forwarded such a challenge is the petitioner herein. The Munsiff's court allowed the O.P., and by challenging the said order, C.M.A. before the court below was filed. It seems that the learned District Judge has also gone through the entire records and depositions of the witnesses and confirmed the order passed by the learned Munsiff.

3. On hearing the learned counsel for the petitioner and on going through the records, I do not find any illegality, irregularity or impropriety in the decisions rendered by both

the courts below. There is absolutely nothing to interfere with the concurrent findings entered by the courts below in the matter. This C.R.P. is devoid of merits, and is only to be dismissed, and I am doing so.

In the result, this Civil Revision Petition is dismissed.

Sd/-

**B.KEMAL PASHA**  
**JUDGE**