

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

FAO.No. 245 of 2010 ()

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AGAINST THE ORDER/JUDGMENT IN OS 165/1997 of SUB COURT, MAVELIKKARA
DATED 31-03-2010**

APPELLANTS/PETITIONERS/DEFENDANTS:

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- 1. SOSHAMA PAPPY @ OMANA,
KOLLAM THARAYIL, MUTHUKULAM SOUTH,
MUTHUKULAM VILLAGE.**
 - 2. KOSHI PAPPY,
KOLLAM THARAYIL, MUTHUKULAM SOUTH, MUTHUKULAM VILLAGE.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/RESPONDENTS/PLAINTIFF:

**SHEENA THOMAS,
MALLOOR KIZHAKKETHIL VEEDU, EZHUPURAYIL VEEDU,
KUMMANAM MURI, AYMANAM VILLAGE.**

**THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON
01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

F.A.O.No.245 of 2010

Dated this the 1st day of June, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

On 19.8.2010, it was noted by this Court that there is not much of merits in this appeal. On 24.9.2010, notice was issued for simultaneous service, including by affixture. Obviously, that was to find out whether there could be any settlement. We say this because the appeal is against an order by which the court below dismissed an application to set aside an ex parte decree after condoning the delay of 42 months in making that application. The suit was for return of money entrusted on behalf of the wife at the time of marriage. No steps having been taken for the last five years, we think that it is too late in the day for any further adjournment in the matter. Such luxury also ought to have its limits.

In the result, this appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(SUNIL THOMAS, JUDGE)

//TRUE COPY//

P.A TO JUDGE