

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

FAO.No. 290 of 2010 ()

AGAINST THE ORDER IN I.A.NO.1265/2010 IN OS 164/2010 of SUB COURT,
OTTAPPALAM

APPELLANT/RESPONDENT/DEFENDANT:

P.A.SOMAKUMAR, AGED 59 , S/O.PADINJARE
ADAVAKKADU MADHAVI AMMA, EZHUMANGADU DESOM
THIRUMITTAKKODU VILLAGE, OTTAPPALAM TALUK.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENT/PETITIONER/PLAINTIFF:

LEELA MENON, AGED 75 , D/O.PENGATTUSERRY
ITTYMAYAMMA @ AMMALU AMMA, THALI AMSOM DESOM
THALAPPILLY TALUK-680 585.

BY ADV. AUGUSTIN JOSEPH

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

F.A.O.No.290 OF 2010

Dated this the 27th day of May, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the defendant in O.S.No.164/2010 aggrieved by the order passed by the court below in I.A.No.1265/2010. The suit is one seeking a decree for specific performance or in the alternative for return of advance amount. The plaintiff along with suit sought for attachment of the subject matter of the agreement which is a property having extent of 82.5 cents in Sy.Nos.308/1, 312/7 and 308/1B of Thirumuttacode amsom. The court below ordered a conditional order of attachment and finally it was made absolute. Going by the impugned order it was also directed that attachment will be raised provided the respondent furnish security for Rs.5,50,000/-.

2. This appeal though was filed by the appellant, no interim order was passed by this Court. Therefore, it is submitted by the learned counsel for the respondent that attachment continues even now. It is brought to our notice that the suit itself is listed for trial during

June 2015.

In that view of the matter, the learned counsel for the appellant submits that the appeal has become infructuous. Accordingly, we dismiss the appeal as infructuous.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.