

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

RFA.No. 188 of 2006 ()

AGAINST THE JUDGMENT & DECREE IN OS 93/1996 of PRINCIPAL SUB COURT,
IRINJALAKUDA DATED 30-11-2005

APPELLANTS/DEFENDANTS::

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1. V.K. MOHANAN,
S/O. VALLATHUMPARAMBIL KRISHNAN, KATHIKKUDAM POST
KAKKAD DESOM, KALLUR VADAKKUMMURI VILLAGE
MUKUNDAPURAM TALUK.
 2. K. KRISHNANKUTTY MENON,
SON OF KOOPPATT VEETIL NARAYANI AMMA
KALLUR THEMMUMMURI VILLAGE, CHERUVALOOR POST- DIED.

*ADDL. APPELLANTS 3 TO 6 IMPLEADED:

3. K. BASANTH KUMAR, AGE 67 YEARS,
S/O. LATE KOOPAT NARAYANI AMMA,
"KRISHNA PRIYA", PMC NO.IX/172, GURU KRIPA NAGAR NO.71,
PERUMBAVOOR, KERALA 683542.
4. K.BHANUMATHY, AGE 81 YEARS,
D/O. LATE KOOPAT NARAYANI AMMA,
"VISHNU VIHAR", SAKTHI NAGAR,
IRINJALAKUDA (N), KERALA 680 125.
5. K.KOMALAM, AGED 79 YEARS,
D/O. LATE KOOPAT NARAYANI AMMA,
KOOPAT KOMALAYALAM, CHERUVALOOR PO,
VIA KORATTY, TRICHUR DIST. KERALA 680 308.
6. S. SUSEELA, AGED 60 YEARS,
D/O. LATE KOOPAT SUBHADRA AND
GRAND DAUGHTER OF LATE KOOPAT NARAYANI AMMA,
"MOHANAMANDIRAM" NO.58, GURU KRIPA NAGAR,
PERUMBAVOOR, KERALA 683 542.

* ADDL. APPELLANTS 3 TO 6 WERE IMPLEADED AS PER ORDER PASSED ON
12.3.2015 IN I.A.NO.546 OF 2015.

BY ADV.SRI.KAPPILLIL ANILKUMAR

RFA.No. 188 of 2006

RESPONDENT/PLAINTIFF::

**GODAVARMAN, N.S.H.S. VALOOR,
HEADMASTER AND S/O. KORATTY SWARUPATHINGAL
KUNJIKKAVU THAMBURATTY, KALLUR VADAKKUMMURI VILLAGE,
MUKUNDAPURAM TALUK.**

BY ADV. SRI.P.RAVINDRAN (SR.)

**THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

vpv

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

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R.F.A.No.188 of 2006

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Dated this the 13th day of March, 2015

JUDGMENT

P.N.Ravindran, J.

The appellants are the defendants in O.S.No.93 of 1996 on the file of the Court of the Principal Subordinate Judge of Irinjalakkuda. The sole respondent is the plaintiff therein. The suit instituted by the respondent/plaintiff for realisation of the sum of Rs.50,000/- as damages for defamation together with interest and costs was decreed after trial and the respondent was allowed to realise the sum of Rs.50,000/- with interest at 6% per annum from the date of suit (29.1.1996) till realisation from the defendants. The defendants have aggrieved thereby filed this appeal.

2. The appellants have now filed I.A.No.548 of 2015 praying that they may be permitted to pay the sum of Rs.1,23,065/- by demand draft No.458253 dated 9.3.2015 drawn in favour of the respondent/plaintiff on Indian Bank, Koratty branch, towards full satisfaction of the decree passed by the trial court. They have also filed I.A.No.547 of 2015 to lift the attachment of immovable properties ordered and effected by the court below and to release

the documents of title to appellants 3 to 6. When this appeal came up for consideration on 12.3.2015, taking note of the relief sought in the aforesaid application we adjourned the appeal to this day so as to enable the learned counsel for the respondent/plaintiff to get instructions as to whether he is agreeable to have the dispute settled on receipt of the demand draft for Rs.1,23,065/- referred to above.

3. When the appeal came up for hearing today, Sri.P.Ravindran, learned Senior Advocate appearing for the respondent/plaintiff submitted on instructions that the respondent is agreeable to have full satisfaction of the decree passed by the trial court recorded on receipt of demand draft referred to above. The learned Senior Advocate also submitted that upon such payment being made, the attachment ordered and effected by the trial court can also be lifted. Accordingly, in our presence Sri.Kappillil Anilkumar, learned counsel appearing for the appellants handed over to the learned counsel appearing for the respondent the demand draft referred to above. In such circumstances, as agreed to by the learned counsel for the respondent/plaintiff we record that the decree passed by the Court of the Principal Subordinate Judge of Irinjalakkuda in O.S.No.93 of 1996 stands satisfied and that the

respondent has no further claim as against the appellants. The appeal shall stand disposed of accordingly.

The Court of the Principal Subordinate Judge of Irinjalakkuda shall upon the appellants producing a certified copy of this judgment and filing an application praying for lifting the attachment ordered and effected by it, lift the order of attachment. The documents of title deposited by the defendants shall be returned to the learned counsel appearing for the defendants. It will be open to appellants 2 and 3 to join the surviving defendants in the application to be filed in the court below to lift the attachment.

**P.N.RAVINDRAN
JUDGE**

**ANIL K.NARENDRA
JUDGE**

vpv

The last sentence in the judgment is corrected and substituted as follows, vide order dated 25.3.2015 in R.F.A.No.188/2006:

“It will be open to appellants 3 to 6 to join the first defendant in the application to be filed in the court below to lift the attachment.”

Sd/-
Registrar (Judicial)