

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

RSA.No.1139 of 2005 (B)

AGAINST THE JUDGMENT IN AS 9/2002 of SUB COURT, NEYYATTINKARA
DATED 09-09-2005

AGAINST THE JUDGMENT IN OS 269/1999 of I ADDL. MUNSIFF COURT,
NEYYATTINKARA DATED 10-08-2001

APPELLANT/APPELLANT/DEFENDANT:

SADASIVA PANICKER RAJENDRAN,
AGED 44, DEVI SADANAM, MANNADIKKONAM
MARANALLOOR DESOM, MARANALLOOR VILLAGE.

BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENT/RESPONDENT/DEFENDANT:

CHINNAN KUMARAN, AGED 88,
VANAJALAYAM, PUNNAVOOR, MARANALLOOR DESOM
MARANALLOOR VILLAGE.

BY ADV. SRI.G.S.REGHUNATH

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 30-
10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

R.S.A.No.1139 Of 2005

Dated this the 30th day of October, 2015.

J U D G M E N T

During the course of consideration of this appeal, earlier, the learned counsel for the appellant had pointed out that both the appellant and respondent have died during the pendency of this appeal and that despite earnest efforts by sending registered letters, the learned counsel for the appellant could not secure any instructions from the family members of the deceased appellant as to whether they are interested to prosecute the matter any further. Accordingly, as per order dated 30.9.2015, two weeks time was granted to the learned counsel for the appellant to get instructions in that regard. Later, when the matter came up for consideration on 14.10.2015, the learned counsel for the appellant again pointed out that despite earnest efforts, he could not secure instructions from the family members of the deceased appellant on the aforesaid aspects. Therefore, as a last chance by two weeks was granted to the learned counsel for the appellant to get instructions in that regard as per order dated 14.10.2015.

R.S.A.No.1139 Of 2005

2. Today, when the matter was taken into consideration, learned counsel for the appellant submits that despite diligent and earnest efforts taken by him, he could not secure any instructions from the family members of the deceased appellant. It is submitted by counsel on both sides that the appellant and respondent have died.

In the light of this, the appeal is dismissed for abatement.

ALEXANDER THOMAS,
Judge.

bkn/-