

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

OP(C).No. 1082 of 2015 (O)

(AA 130/2000 of APPELLATE AUTHORITY (LR), ALAPPUZHA)

PETITIONER:

E.V.GEORGE, AGED 67 YEARS,
S/O. VACCO, ITTIPATTA, ERNAKULAM,
P.O. KADAVANTHARA,
KOCHI - 682020.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:

1. KARTHYAYANI AMMA @ THANKAM,
D/O. LAKSHMIKUTTY AMMA,
CHERUVALLIL PUTHEMPURAYIL, THEKKUMBHAGOM DESOM,
THEKKUM BHAGOM VILLAGE, TRIPUNITHURA,
ERNAKULAM DISTRICT.
2. P.N. RADHALAKSHMI, AGED 73 YEARS,
W/O. LATE KOCHU NARAYANAN MENON,
CHERUVALLIL PUTHEMPURAYIL,
THEKKUMBHAGAM VILLAGE, KANAYANNUR TALUK.
3. P.K. RAJESHWARI, AGED 47 YEARS,
D/O. LATE KOCHU NARAYANAN MENON,
CHERUVALLIL PUTHEMPURAYIL,
THEKKUMBHAGAM VILLAGE, KANAYANNUR TALUK.
4. P.K. HEMALATHA, AGED 45 YEARS,
D/O. LATE KOCHU NARAYANAN MENON,
CHERUVALLIL PUTHEMPURAYIL,
THEKKUMBHAGAM VILLAGE, KANAYANNUR TALUK.
5. P.K. KRISHNAKUMAR, AGED 42 YEARS,
D/O. LATE KOCHU NARAYANAN MENON,
PARATTU, CHERUVALLIL PUTHEMPURAYIL,
THEKKUMBHAGAM VILLAGE, KANAYANNUR TALUK.

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6. SINDHU K. MENON, AGED 39 YEARS,
D/O. LATE KOCHU NARAYANAN MENON,
CHERUVALLIL PUTHEMPURAYIL,
THEKKUMBHAGAM VILLAGE, KANAYANNUR TALUK.
7. P.S. DEVAKI AMMA, AGED 74 YEARS,
W/O. LATE C.P. GOPALAKRISHNA MENON,
RESIDING AT LAKSHMY NILAYAM,
KANNANKULANGARA, THRIPIUNITHURA,
ERNAKULAM DISTRICT.
8. K.G. LAKSHMI DEVI, AGED 47 YEARS,
D/O. LATE C.P. GOPALAKRISHNA MENON,
RESIDING AT LAKSHMY NILAYAM,
KANNANKULANGARA, THRIPIUNITHURA, ERNAKULAM DISTRICT.
9. P.G.GEETHA DEVI, AGED 46 YEARS,
D/O. LATE C.P. GOPALAKRISHNAN MENON,
RESIDING AT LAKSHMY NILAYAM,
KANNANKULANGARA, THRIPIUNITHURA, ERNAKULAM DISTRICT.
10. P.G. VANAJA DEVI, AGED 42 YEARS,
D/O. LATE C.P. GOPALAKRISHNAN MENON,
RESIDING AT LAKSHMY NILAYAM,
KANNANKULANGARA, THRIPIUNITHURA, ERNAKULAM DISTRICT.
11. P.G. VRINDA DEVI, AGED 40 YEARS,
D/O. LATE C.P. GOPALAKRISHNAN MENON,
RESIDING AT LAKSHMY NILAYAM,
KANNANKULANGARA, THRIPIUNITHURA, ERNAKULAM DISTRICT.
12. P.G. HARIKUMAR, AGED 39 YEARS,
S/O. LATE C.P. GOPALAKRISHNAN MENON,
RESIDING AT LAKSHMY NILAYAM,
KANNANKULANGARA, THRIPIUNITHURA, ERNAKULAM DISTRICT.
13. V. SREEPRAKASH, AGED 60 YEARS,
S/O. UNNIKRISHNA MENON,
H.No.41/191, SREEJA VIHAR,
KALOOR KADAVANTHRA ROAD, KOCHI - 682 017.
14. V. REMANI, AGED 59 YEARS,
D/O. UNNIKRISHNA MENON,
H.No.3/43, "LOVE DEN",
ELOOR NORTH, UDYOGAMANDAL P.O.
15. V. NANDAKUMAR, AGED 57 YEARS,
S/O. UNNIKRISHNA MENON,
H.No.13/78, NIRAVATHU PARAMBU, SOCIETY ROAD,
MARADU P.O.,

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16. V. RAJALAKSHMI, AGED 55 YEARS,
D/O. UNNIKRISHNA MENON,
H.No.35/663, RESHMI ROYAL LANE,
KADAVANTHRA P.O., KOCHI - 682020.
17. V. RAMESH, AGED 53 YEARS,
S/O. UNNIKRISHNA MENON,
H.No.37/436 A, VETTIYAZHATH HOUSE,
TEMPLE ROAD, KOCHI - 682020.
18. V. JAYASREE, AGED 51 YEARS,
S/O. UNNIKRISHNA MENON,
SREELAKAM, MULAMTHURUTHY P.O.,
ERNAKULAM DISTRICT.
19. V.INDUCHOODAN, AGED 49 YEARS,
S/O.UNNIKRISHNA MENON,
RADHA NILAYAM, KODAMTHURUTHU,
KUTHIATHODE P.O., ALAPPUZHA DISTRICT.
20. LEKSHMI, AGED 87 YEARS,
D/O. PARAMESWARA MENON,
KRISHNA KRIPA, MUTTATHIL LANE,
KADAVANTHRA P.O., KOCHI - 20.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF I.A.43/2001 BEFORE APPELLATE AUTHORITY.
- EXT. P2 : COPY OF COUNTER IN I.A.43/2001 BEFORE APPELLATE AUTHORITY.
- EXT. P3 : COPY OF I.A.38/2002 BEFORE THE APPELLATE AUTHORITY.
- EXT. P4 : COPY OF ORDER OF THIS COURT IN CIVIL REVISION PETITION 352/2007 DTD.7.12.12.
- EXT. P5 : COPY OF LEGAL HEIRSHIP CERTIFICATE DTD.13.12.2013 PROCURED BY RESPONDENTS 1 TO 12.
- EXT. P6 : COPY OF COUNTER AFFIDAVIT IN I.A.510/2014 IN S.O.P.36/2012.
- EXT. P7 : COPY OF ORDER IN SUCCESSION O.P.36/2012 DTD.2.9.14.
- EXT. P8 : COPY OF I.A.79/14 IN AA.130/2000 BEFORE APPELLATE AUTHORITY (LR) ALAPPUZHA.
- EXT. P9 : COPY OF I.A.76/2014 IN A.A.130/2000 BEFORE APPELLATE AUTHORITY (LR), ALAPPUZHA.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.1082 OF 2015

Dated this the 10th day of April, 2015.

J U D G M E N T

The 1st respondent in A.A.No.130/2000 before the Appellate Authority (Land Reforms), Alappuzha has come up before this Court with this original petition seeking a direction to the Appellate Authority to determine as to who are the legal heirs of the landlord, who is the original appellant before the Appellate Authority based on Exts.P1, P3, P8 and P9 filed by two sets of respondents.

2. The petitioner before this Court pointed out that after the death of the landlord, who is the appellant before the Appellate Authority, without determining as to who is the person competent to represent the estate of the deceased landlord, the appeal is being proceeded with. If ultimately an order is passed without proper persons in the party array, that may not be legal and that may again put the order obtained by the petitioner in jeopardy. In order to avoid the said contingency, it is prayed

that there may be a direction to the Appellate Authority (Land Reforms), Alappuzha to consider Exts.P1, P3, P8 and P9 to determine as to who is competent to represent the estate of the deceased landlord.

This original petition is disposed of directing the Appellate Authority (Land Reforms), Alappuzha to take up Exts.P1, P3, P8 and P9 and determine as to who is competent to represent the estate of the deceased landlord, who is the appellant before the Appellate Authority, before proceeding with the appeal on merits.

Sd/-

**P.BHAVADASAN
JUDGE**

smp