

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

RSA.No. 485 of 2007 (G)

**(AGAINST THE JUDGMENT IN AS.NO. 13/2005 OF SUB COURT, NEYYATTINKARA
DATED 19-12-2005)**

**(AGAINST THE JUDGMENT IN OS.NO. 282/2000 OF II ADDL.MUNSIFF COURT,
NEYYATTINKARA DATED 20-08-2004)**

APPELLANT(S)/APPELLANTS/DEFENDANTS 2 & 3 AND ADDL.DEFENDANT NO.12 :

- 1. DIVAKARAN NAIR UDAYAKUMAR, AGED 39 YEARS,
THULAVILA DIVA NIVAS FROM PAPPANAMCODE,
NEMOM VILLAGE.**
- 2. LALITHAMMA USHAKUMARI, AGED 38 YEARS,
LECTURER, KOLLAM FATHIMA BEEVI COLLEGE FROM
PAPPANAMCODE, NEMOM VILLAGE.**
- 3. PADMANABHA PILLAI DIVAKARAN NAIR, AGED 75 YEARS,
THULAVILA DIVA NIVAS NAGAR, PAPPANAMCODE,
MUNUKULADICHAMANGALAM DESOM,
NEMOM VILLAGE.**

**BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH**

RESPONDENT(S)/PLAINTIFFS AND DEFENDANTS 1,5 TO 11 AND 13 :

- 1. RAMAKRISHNA PILLAI AYYAPPAN NAIR, AGED 52 YEARS,
VEPPUKONATHU VEEDU, ANKODE DESOM,
PERUMKADAVILA VILLAGE.**
- 2. RAMAKRISHNA PILLAI VIJAYAKUMARAN NAIR,
AGED ABOUT 42 YEARS, M.G.COTTAGE, MANAKKALA,
PLAMPAZHINJI DESOM, OTTASEKHARAMANGALAM.**
- 3. C.MOHAN, AGED ABOUT 42 YEARS,
M.G.COTTAGE, MANAKKALA, PLAMPAZHINJI DESOM,
OTTASEKHARAMANGALAM VILLAGE.**
- 4. VELAYUDHAN NADAR MANIYAN, AGED 42 YEARS,
MANAKULATHU ASHA BHAVAN, PLAMPAZHINJI DESOM,
OTTASEKHARAMANGALAM VILLAGE.**

R.S.A.NO.485/2007

5. CHANDRAN, S/O THAMPI NADAR,
AGED 32 YEARS, THOPPIL THALAKKAL VEEDU,
PLAMPAZHINJI DESOM, OTTASEKHARAMANGALAM VILLAGE.
6. RAJALEKSHMI, D/O VASANTHI, AGED 40 YEARS,
VASANTHI BHAVAN, MANAKALA MANKULAM,
PLAMPAZHINJI DESOM OF OTTASEKHARAMANGALAM VILLAGE.
7. THANKAPPAN NAIR RAJASEKHARAN NAIR,
AGED 47 YEARS, VASANTHI BHAVAN, MANAKALA MANKULAM,
PLAMPAZHINJI DESOM, OTTASEKHARAMANGALAM VILLAGE.
8. THANKAPPAN NAIR GIREESH, AGED 42 YEARS,
VASANTHI BHAVAN, MANAKALA MANKULAM,
PLAMPAZHINJI DESOM,
OTTASEKHARAMANGALAM VILLAGE.
- *9. MEENAKSHI, D/O MUTHAMMA, AGED 75 YEARS,
CHETTIVILA PUTHEN VEEDU, PLAMPAZHINJI DESOM,
OTTASEKHARAMANGALAM VILLAGE. (DIED)

LEGAL REPRESENTATIVE OF DECEASED 9TH RESPONDENT RECORDED

*9TH RESPONDENT DIED AND 3RD RESPONDENT IS RECORDED AS THE
LEGAL REPRESENTATIVE OF DECEASED 9TH RESPONDENT AS PER ORDER
DATED 21/8/09 IN MEMO BEARING CF 5014/09 DATED 14/8/09

10. A.JAPADAS, AGED 55 YEARS,
MANAKALA GOSPAY HOUSE, PLAMPAZHINJI,
OTTASEKHARAMANGALAM VILLAGE.

R1 BY ADV. SRI.G.S.REGHUNATH

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

P.B.SURESH KUMAR, J.

R.S.A.No.485 of 2007

Dated this the 5th day of October, 2015

JUDGMENT

A memo has been filed by the learned counsel for the appellants seeking permission to withdraw the second appeal. In the light of the memo filed by the learned counsel for the appellants, the second appeal is dismissed as withdrawn.

P.B.SURESH KUMAR, JUDGE.

smm