

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

RFA.No.294 of 2008 (F)

AGAINST THE ORDER/JUDGMENT IN OS 115/2005 OF
SUB COURT, NEYYATTINKARA DATED 31-01-2007

APPELLANT/PLAINTIFF:

K.KRISHNANKUTTY, AGED 44 YEARS, S/O. KUTTAN NADAR,
RESIDING AT SUSHALAYAM, AZHAKULAM,
PANANGODE DESOM, VENGANOOR VILLAGE, VIZHINJAM P.O.,
THIRUVANANTHAPURAM.

BY ADVS.SRI.P.S.RAMESH KUMAR
SMT.ANNAMMA ABRAHAM

RESPONDENTS/DEFENDANTS:

1. R.MOHANDAS, AGED ABOUT 43 YEARS,
S/O.RAMASWAMI, RESIDING AT KAILAS BHAVAN,
ANTHIYLOOR DESOM, KOTTUKKAL VILLAGE, BALARAMAPURAM.

2. VALSALA, AGED 40 YEARS, D/O KAMALA BAI,
RESIDING AT KAILAS BHAVAN, ANTHIYLOOR DESOM,
KOTTUKKAL VILLAGE, BALARAMAPURAM.

R1 & R2 BY ADV. SRI.A.JAYASANKAR
R1 & R2 BY ADV. SRI.MANU GOVIND

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

R.F.A.No.294 of 2008

Dated this the 13th day of January, 2015

JUDGMENT

P.N.Ravindran, J.

The Registry has reported that though this appeal was admitted and notice ordered to the respondents on 28-7-2008, the balance court fee has not been paid till date. When this appeal came up for hearing on 8-12-2014, this Court granted the appellant two weeks' time to cure the defect. But, till date the balance court fee has not been paid. When the case was taken up for hearing today, learned counsel for the appellant was not present. There was also no representation on his behalf. In such circumstances, the appeal is rejected for non-payment of the balance court fee. Needless to say in view of the decision of a Division Bench of this Court in **Jamal Vs. Mohammedkutty** [2003(3) KLT 803], the court fee paid on the memorandum of appeal shall be re-funded to the appellant.

P.N.RAVINDRAN, JUDGE

ANIL K.NARENDRAN, JUDGE

skj