

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

RFA.No. 596 of 2012 ()

AGAINST THE JUDGMENT IN OS NO.183/2008 of SUB COURT, OTTAPALAM
DATED 9.12.2011

APPELLANT/DEFENDANT:

SULAIMAN
AGED 49 YEARS
S/O.MADATHINKAL USSANKUTTY
CHUNANGAD AMSOM DESOM, OTTAPALAM TALUK.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SMT.PREETHY KARUNAKARAN

RESPONDENT/PLAINTIFF:

K.PBABU
S/O.KOPPATH PARAMMAL ABOOBACKER
ONGALLUR DESOM, KALLADIPATTA
OTTAPALAM TALUK, PIN 679101

R1 BY ADV.SRI.T.SETHUMADHAVAN
R1 BY ADV.SRI.PUSHPARAJAN KODOTH
R1 BY ADV.SRI.K.JAYESH MOHANKUMAR
R1 BY ADV.SMT.VANDANA MENON

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

R.F.A. No.596 of 2012

Dated this the 11th day of March, 2015

J U D G M E N T

P.N.Ravindran, J.

Though this appeal was admitted on 8.7.2014, the appellant has not till date paid the balance court fee of Rs.1,19,000/- payable on the memorandum of appeal. The appellant has also not filed an application seeking enlargement of time to pay the balance court fee. In such circumstances, the appeal is rejected for non payment of the balance court fee of Rs.1,19,000/- payable on the memorandum of appeal. Needless to say in view of the decision of the Division Bench of this Court in **Jamal v. Mohammedkutty** (2003 (3) KLT 803), the appellant will be entitled to refund of the court fee paid on the memorandum of appeal.

**P.N.RAVINDRAN,
(JUDGE)**

**ANIL K.NARENDRAN,
(JUDGE)**

vps