

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

OP(C).No. 3018 of 2014 (O)

(I.A.NO.1526/2014 IN O.S.NO.346/1999 OF ADDITIONAL SUB COURT,
KOLLAM)

PETITIONER

CHITHRAKUMARI @ CHITHRAJITHA AGED 50 YEARS
W/O. JAGATHEESH CHANDRAMENON, PALAKKOTTU VEEDU
VADAKKUMURI, PADANAYARKULANGARA, KARUNAGAPPILLY
KARUNAGAPPILLY TALUK.

BY ADVS.SRI.K.VENUGOPAL (KOTTAYAM)
SRI.SAJU.S.A
SMT.MEENA.A.

RESPONDENTS:

1. RADHAMMA PILLAI
W/O. BHASKARAN PILLAI, PANAYIL VEEDU, INCHAVILA CHERRY
PANAYAM VILLAGE, KOLLAM-691601.

2. AJITHKUMAR,
S/O. BHASKARAN PILLAI, PANAYIL VEEDU, INCHAVILA CHERRY
PANAYAM VILLAGE, KOLLAM-691601.

3. SUJATHAKUMARI,
W/O. M.R. RAJEEV, 'KARTHIKA', NEAR VETERINARY HOSPITAL
POLAYIL CHERRY, KOLLAM WEST VILLAGE, PIN-691001.

R1 -R 3 BY ADV. SRI.LEO GEORGE

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 06-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C) .No. 3018 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS

P1. TRUE COPY OF THE JUDGMENT DATED 3-4-2014 IN R.F.A. NO. 752/2014
OF THIS HON'BLE COURT.

P2. TRUE COPY OF THE ORDER DATED 31-10-2014 IN I.A. NO. 1526/2014
IN O.S. NO. 346/99 ON THE FILE OF ADDITIONAL SUB COURT, KOLLAM.

/TRUE COPY/

PA TO JUDGE

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

O.P.(C)No.3018 OF 2014

Dated this the 6th day of April, 2015

JUDGMENT

Ramachandran Nair, J.

This O.P. is filed challenging the order dated 31.10.2014 in I.A.No.1526/2014 in O.S.No.346/1999 of the Additional Sub Court, Kollam. By the said order, the trial court took the view that since the appeal R.F.A.No.752/2009 was disposed of by this Court, final decree has to be engrossed by the High Court itself. The learned counsel for the petitioner submitted that while disposing of the R.F.A., this Court has made it clear that follow up actions can be taken by the trial court and therefore the order passed by the trial court is patently erroneous.

We are of the view that for resolving the issue we need only refer to the relevant rule under the Civil Rules of Practice. Reliance is placed on Rule 237 which reads as follows :

*“ Rule 237 (1) Decree to be engrossed on
stamp paper :- The decree in a partition suit shall be*

prepared on non-judicial stamp paper of the requisite value and shall be retained by the Court and shall form part of the record, and copies of the same shall be furnished to the parties as in the case of other decrees.”

The appeal was disposed of by this Court. Order XX Rule 7 will also apply. We are of the view that final decree has to be engrossed on non-judicial stamp papers which are to be produced by the petitioner. Therefore, the petitioner is permitted to produce the stamp papers before this Court for engrossing the final decree, which will be done within a period of three weeks. There is nothing to interfere with the order impugned.

The original petition is disposed of accordingly. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.