

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

RFA.No. 157 of 2013 ()

AGAINST THE JUDGMENT AND DECREE IN OS 33/2003 of SUB COURT, HOSDRUG
DATED 07-03-2009

APPELLANT/PLAINTIFFS 1 TO 3:

1. VISHNU.T (MINOR)
PADINHAREVEEDU, LAXMI NAGAR, HOSDURG VILLAGE
HOSDURG. REP. BY NEXT FRIEND-GUARDIAN-P.BABY.

2. VARUN.T. (MINOR)
PADINHAREVEEDU, LAXMI NAGAR, HOSDURG VILLAGE
HOSDURG, REP. BY NEXT FRIEND - GUARDIAN - P.BABY.

3. P.BABY, PADINHAREVEEDU, LAXMI NAGAR,
HOSDURG VILLAGE, HOSDURG.

BY ADVS.SRI.V.V.ASOKAN
SRI.P.P.RAMACHANDRAN

RESPONDENT(S)/DEFENDANTS & 4TH PLAINTIFF:

1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
THIRUVANANTHAPURAM.

2. THE DISTRICT JUDGE, KASARGODE.

3. THE ACCOUNTS OFFICER, OFFICE OF THE
ACCOUNTANT GENERAL, KOCHI.

4. THE DISTRICT INSURANCE OFFICER,
GENERAL INSURANCE DEPARTMENT,
KASARGODE.

5. T.GANGADHARAN, S/O. LATE T. NARAYANAN,
THOVARAI HOUSE, P.O.KOOTHUPARAMBA.

6. THE SUB TREASURY OFFICER,
KOOTHUPARAMBA.

7. THE ACCOUNTANT GENERAL A & E,
KERALA, THIRUVANANTHAPURAM.

8. P.V.PATTI, PADINHAREVEEDU, LAXMI NAGAR,
HOSDURG VILLAGE, HOSDURG.

RR-R1-R4,R6 & 7 BY SR. GOVERNMENT PLEADER SHRI FAZIL
R,R5 BY ADV. SRI.P.M.PAREETH

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 15-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC & P.V ASHA, JJ.

R.F.A No.157 of 2013

Dated this the 15th day of December, 2015

JUDGMENT

Antony Dominic, J.

This R.F.A is filed by the plaintiffs in O.S No.33 of 2003 on the file of the Sub Court, Hosdurg, who are aggrieved by the judgment and decree passed on 07.03.2009 to the extent their claim for the family pension of the mother of appellants 1 and 2, Smt.Padmini, was declined by the trial court. When the appeal was taken up for hearing, in order to ascertain whether the matter could be amicably settled, this Court directed the appearance of the 5th respondent, the husband of the deceased Padmini and father of appellants 1 and 2, who is now receiving the family pension. On interaction with the 5th respondent, he has agreed that Rs.2,000/- each, from out of the family pension now received by him, can be paid to appellants 1 and 2, his children. The offer thus made by the 5th respondent has been accepted by the appellants also. In the light of the above agreement between the parties, this appeal is disposed of with the following directions:

(i) Appellants 1 and 2 will open Savings Bank Accounts in their name in the Sub Treasury, Koothuparamba, in January, 2016, the Sub Treasury Officer of which is the 6th respondent,

(ii) On opening the accounts as above, from January, 2016 onwards, the Sub Treasury Officer, Koothuparamba, who is disbursing the family pension to the 5th respondent, will credit Rs.2,000/- (Rupees Two thousand only) each in the account of appellants 1 and 2 from the family pension payable to the 5th respondent, towards their share of the family pension

(iii) Appellants 1 and 2 thereupon will be at liberty to withdraw the amount as and when they deem necessary.

Subject to the modifications as above, the judgment of the Sub Court, Hosdurg, will stand confirmed.

The appeal is disposed of accordingly.

Sd/-

ANTONY DOMINIC
Judge

Sd/-

P.VASHA
Judge

rtr/

/true copy/

P.S to Judge