

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. 323 of 2013 ()

AGAINST THE ORDER/JUDGMENT IN OS 274/2008 of SUB COURT,
MAVELIKKARA DATED 30-10-2012

APPELLANT/DEFENDANT :

K.M.JACOB, AGED 45 YEARS,
S/O.LATE MATHAI, KURAYOL PLAVILA HOUSE,
PERUMANNAR P.O., PULLANCODE MURI, ARACKAL VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT/PLAINTIFF :

AMMINI GEORGE, AGED 51 YEARS,
W/O. GEORGEKUTTY YOHANNAN, KARUNYA HOMEIO HOME,
CHENNITHALA P.O., ORIPURAM, MAVELIKKARA,
ALAPPUZHA DISTRICT-690 105.

BY ADV. SMT.P.K.PRIYA
BY ADV. SMT.MONCY FRANCIS
BY ADV. SRI.ANZIL ZACHARIAH

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.NARENDRA, JJ.

R.F.A.No.323 of 2013

Dated this the 13th day of January, 2015

JUDGMENT

P.N.Ravindran, J.

When this appeal was admitted and notice was ordered to the respondent, this Court directed that the balance court fee should be paid within two weeks. The Registry has reported that till date the balance court fee has not been paid. We also find from the previous orders that when this appeal came up on 26-11-2014, a Division Bench of this Court granted the appellant two weeks' time to pay the balance court fee. However, till date, the balance court fee has not been paid. 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.NARENDRA, JUDGE

skj