

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

RSA.No. 639 of 2012

**AGAINST THE JUDGMENT IN AS 112/2007 of I ADDITIONAL DISTRICT COURT,
KOZHIKODE**

**AGAINST THE JUDGMENT IN OS 456/2006 of ADDITIONAL MUNSIFF COURT
KOZHIKODE-I**

APPELLANT/APPELLANT IN THE SUIT/APPELLANT IN AS:

**KANANGOTT LALITHA
D/O KANANGOTT CHOYL, NIRAVATH PARAMBIL HOUSE
CHEVAYUR AMSOM AND DESOM, KOZHIKODE TALUK.**

**BY ADVS.SRI.K.S.RAJESH
SRI.M.SHAJU PURUSHOTHAMAN**

RESPONDENT/DEFENDANT IN THE SUIT/RESPONDENT:

**PULPRAKUNNAM PARAMBATH ASOKAN
S/O CHANDUKUTTY, CHEVAYUR AMSOM AND DESOM
KOZHIKODE TALUK-673 009.**

BY ADV.SRI.M.KRISHNAKUMAR

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AS

A.HARIPRASAD, J.

R.S.A.No.639 of 2012

Dated this the 28th day of May, 2015

J U D G M E N T

The appellant filed a suit for declaration mandatory injunction and prohibitory injunction reliefs against the respondent raising the following contentions. The property described in the plaint schedule along with other items originally belonged to one Appu and after his death it devolved on his legal heirs including the plaintiff (appellant's husband Sreenivasan). The property was later partitioned among the heirs of the deceased Appu. In the partition the plaint schedule property was set apart to the share of appellant's husband. Her husband by a registered document settled the property in her favour. Appellant's husband availed a loan from Kerala Financial Corporation (in short 'KFC') by mortgaging the property shown in the plaint schedule. The business for which the loan was availed went into loss. So the plaintiff approached the defendant for financial assistance. Defendant is the

brother-in-law of plaintiff. As directed by the defendant, she executed a sale deed in respect of the plaint schedule property in favour of the defendant. According to the appellant, the deed was not supported by any consideration. It is the product of a fraud committed on her. Hence, the suit for multiple reliefs. The defendant/respondent opposed the plaint claim contenting that the impugned document is a genuine document and executed for valid consideration. Subsequent to the execution of the document the plaintiff has no right or possession over the property. The whole action is misconceived.

2. The trial court and appellate court, after appreciating the elaborate evidence adduced, dismissed the suit.

3. Heard the learned counsel for the appellant and perused the judgments of the courts below.

4. Considering the entire materials, I am of the view that the courts below have correctly analysed the

evidence and applied the law applicable to the facts situation. I do not find any legal reason to interfere in the concurrent findings of the courts below. There is no substantial question of law arising in this matter.

Hence, this appeal is dismissed as it is devoid of any merit.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge