

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

RSA.No. 716 of 2008 ()

**(AGAINST THE JUDGMENT AND DECREE IN AS.NO. 117/2001 OF SUB
COURT, NEYYATTINKARA DATED 22-01-2007)**

**(AGAINST THE JUDGMENT AND DECREE IN OS.NO. 810/1996 OF
II ADDL.MUNSIFF COURT, NEYYATTINKARA DATED 30-09-2000)**

APPELLANT(S)/(APPELLANTS AND DEFENDANTS 1 AND 2 :

- 1. K.RAMESAN, S/O.KUNJUNNI PANICKER,
ASOKA MANDIRAM, VENGANOOR VILLAGE,
BEACH ROAD, KOVALAM.P.O.,
NOW RESIDING AT MARUTHARAVILAKATHU PUTHEN VEEDU,
HOUSE NO.P.P. IX/725, BHAGAVATHINADA.P.O.,
VEDIVACHANKOVIL, NEYYATTINKARA.**
- 2. S. PAVITHRA, W/O.RAMESAN, DO. DO.**

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT(S)/(RESPONDENTS/PLAINTIFFS & DEFENDANTS 4 TO 6):

- 1. G.JALAJA, W/O.SIVARAJAN, AGED 38 YEARS,
MARUTHARAVILAKATHU PUTHEN VEEDU,
PP XI/270, BHAGAVATHINADA.P.O., POONKODE,
VEDIVACHANKOVIL, PALLICHAL, TRIVANDRUM.**
- 2. D.SIVARAJAN, S/O.DAMODARAN,
RESIDING AT DO. DO.**
- 3. KUNJUNNI PANICKER SYLESWARAN,
POONKODU MARUTHARA VILAKATHU PUTHEN VEEDU,
BHAGAVATHY NADA, PALLICHAL DESOM AND PAKUTHY.**
- 4. KUNJUNNI PANICKER GIREESAN OF DO. DO.**
- 5. KUNJUNNI PANICKER SUDARSANAN OF DO. DO.**

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.B.SURESH KUMAR, J.

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R.S.A.No.716 of 2008.

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Dated this the 14th day of October, 2015.

JUDGMENT

This Second Appeal is preferred against the judgment in A.S.No.117 of 2001 on the file of the Sub Court, Neyyattinkara, which in turn was an appeal preferred by the appellants challenging the decision in O.S.No.810 of 1996 on the file of the Munsiff's Court, Neyyattinkara. The appellants are the defendants 1 and 2 in the said suit. The suit was one for declaration of title and injunction. The appellants contested the suit. In addition, the appellants have also raised a counter claim seeking a decree of prohibitory injunction restraining the plaintiffs in the suit from evicting them from the building in the plaint schedule property. The trial court decreed the suit and dismissed the counter claim. Aggrieved by the decision in the suit, the appellants preferred A.S.No.117 of 2001 and aggrieved by

the decision in the counter claim, they preferred A.S.No.118 of 2001. Both the appeals were heard together and disposed of by a common judgment confirming the decision of the trial court. The appellants have challenged the decision in A.S.No.118 of 2001 before this Court in R.S.A.No.408 of 2008. The said appeal was dismissed by this Court at the admission stage on 6.10.2008. In the light of the decision of this Court in R.S.A.No.408 of 2008, this appeal is liable to be dismissed and I do so. All the interlocutory applications in the appeal are closed.

Sd/-
P.B.SURESH KUMAR,
JUDGE.

Kvs/-

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PA TO JUDGE.