

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

RSA.No. 1222 of 2008 (D)

(AGAINST THE JUDGMENT IN AS.NO. 311/2002 OF II ADDL.DISTRICT COURT,
THIRUVANANTHAPURAM DATED 22-05-2008)

(AGAINST THE JUDGMENT IN OS.NO. 9/1999 OF PRL.MUNSIFF COURT,
THIRUVANANTHAPURAM DATED 23-07-2002)

APPELLANT(S)/APPELLANTS/DEFENDANTS 6,8 AND 9 :

1. JAGANNATHA KURUKKAL,
SON OF PURUSHOTHAMMA KURUKKAL, AGED 59 YEARS,
RESIDING AT MAVARATHALA MADOM,
NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE,
PEROORKADA.P.O., THIRUVANANTHAPURAM.
2. LALITHA DEVI, D/O.PARUKUTTY AMMA, AGED 68,
RESIDING AT MAVARATHALA MADOM, NEDUMPURATHU MURI,
KUDAPPANAKUNNU VILLAGE, PEROORKADA P.O.,
THIRUVANANTHAPURAM.
3. GEETHA DEVI, D/O.PARUKUTTY AMMA, AGED 49 YEARS,
RESIDING AT MAVARATHALA MEDOM, NEDUMPURATHU MURI,
KUDAPPANAKUNNU VILLAGE, PEROORKADA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

RESPONDENT(S)/RESPONDENTS/PLAINTIFFS AND DEFENDANTS 1 TO 5, 7 & 10 :

1. KARTHIKEYA KURUKKAL,
NEPHEW OF PURUSHOTHAMA KURUKKAL,
HINDU, AGED 78 YEARS,
RESIDING AT POOVANATHUVILAKATHU VEEDU, T.C.4/356,
KURUNGANOOR MURI, KAWDIAR VILLAGE, HAVING ALSO THE
ADDRESS OF MAVARATHALADESOM, NEDUMPURATHU MURI,
KUDAPPANAKUNNU VILLAGE (1ST PLAINTIFF)
2. LALITHAMBIKA DEVI, S/O.DEVAKI AMMA,
HINDU, AGED 68 YEARS, RESIDING AT BYJUVEEDU,
T.C.8/1332, MADAVARAM MURI, SASTHAMANGALAM VILLAGE.
(2ND PLAINTIFF)
- *3. PARUKUTTY AMMA, D/O.LEKSHMIKUTTY AMMA,
W/O.LATE PURUSHOTHAMA KURUKKAL, HINDU, AGED 89,
RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI,
KUDAPPANAKUNNU VILLAGE, PEROORKADA,
THIRUVANANTHAPURAM. (1ST DEFENDANT) (DIED- LHRs ARE RECORDED)

R.S.A.NO.1222/2008

- 4. GOPINATHA KURUKKAL, S/O.PURUSHOTHAMA KURUKKAL, HINDU, AGED 69 YEARS, RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE, PEROORKADA, THIRUVANANTHAPURAM. (2ND DEFENDANT)**
- 5. SOMANATHA KURUKKAL, S/O.PURUSHOTHAMA KURUKKAL, AGED 66, RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE, PEROORKADA, THIRUVANANTHAPURAM. (3RD DEFENDANT)**
- 6. PADMANABHA KURUKKAL, CALLED AS REGHU, S/O.PURUSHOTHAMA KURUKKAL, AGED 61, RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE, PEROORKADA, THIRUVANANTHAPURAM. (4TH DEFENDANT)**
- 7. REVEENDRANATHA KURUKKAL, S/O.PURUSHOTHAMA KURUKKAL, AGED 62, RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE, PEROORKADA (5TH DEFENDANT)**
- 8. VISWANATHA KURUKKAL, S/O.PURUSHOTHAMA KURUKKAL, AGED 55, RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE, PEROORKADA. (7TH DEFENDANT)**
- 9. SANTHA DEVI, D/O.PARUKUTTY AMMA, AGED 43 YEARS, RESIDING AT MAVARATHA MADOM, NEDUMPURATHU MURI, KUDAPPANAKUNNU VILLAGE, PEROORKADA. (10TH DEFENDANT)**

***AS PER ORDER DATED 24/11/2015 IN MEMO VIDE CF 6436/2015 DATED 27/10/2015 THE 3RD RESPONDENT DIED AND APPELLANTS 1 TO 3 AND RESPONDENTS 4 TO 9 ALREADY IN PARTY ARRAY ARE RECORDED AS THE LEGAL HEIRS OF DECEASED 3RD RESPONDENT**

**R1 & R2 BY ADVS. SRI.V.SURESH
SRI.G.SUDHEER**

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

P.B.SURESH KUMAR, J.

R.S.A.No.1222 of 2008

Dated this the 24th day of November, 2015

JUDGMENT

The disputes between the parties to this appeal have been settled and a compromise petition has been filed as I.A.No.3003 of 2015. In the light of the compromise arrived at between the parties, the impugned decisions are set aside and the suit O.S.No.9 of 1999 on the file of the Munsiff Court, Trivandrum is disposed of in terms of the compromise. The compromise petition as also the plan appended to the same shall form part of the judgment.

P.B.SURESH KUMAR, JUDGE.

smm