

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.N. RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

RFA.No. 98 of 2014 ()

AGAINST THE JUDGMENT IN OS 182/2000 of ADDL. SUB COURT, NORTH PARAVUR
DATED 31.7.2013

APPELLANT(S)/8TH DEFENDANT:

FRANCE C. MUNDADAN
POPULAR PACKAGING, LINETVILLA, CHAMPANNOOR
ANGAMALY PO, ERNAKULAM DISTRICT.

BY ADVS. SRI.K.NARAYANAN (PARUR)
SRI.DEEPAK JOY.K.

RESPONDENT(S)/PLAINTIFF & DEFENDANTS 1-7 & 9-12:

1. TRESA JOB
FORMERLY TRESA CYRIAC, W/O. JOB VARGHESE
THATTACHERY H.NO.45/380(66/862), JAYASREE TOWER
PACHALAM, ERNAKULAM, KOCHI-682 012 (DIED)
2. KAREENA JOB, D/O. TRESA JOB, AGED 30 YEARS
THATTASSERIL, TRANQUIL APARTMENTS, 2B
IIND FLOOR BEHIND PRIYOM SUPER MARKET
CIVIL LANE ROAD CHEMBUMUKKU, KAKKANADU, ERNAKULAM
PIN-682 025 (LEGAL HEIRS OF DECEASED TRESA JOB)
3. JUSTIN JOB, S/O. TRESA JOB, AGED 28 YEARS
THATTASSERIL, TRANQUIL APARTMENTS, 2B
IIND FLOOR BEHIND PRIYOM SUPER MARKET
CIVIL LANE ROAD CHEMBUMUKKU, KAKKANADU, ERNAKULAM
PIN-682 025 (LEGAL HEIRS OF DECEASED TRESA JOB)
4. ACHAMMA CYRIAC
C/O. ADVOCATE PIOUS C. MUNDADAN, H.NO.13
MERIDIAN GARDENS, CHEMBUMUKKU, B.M.C. PO
KAKKANAD, KOCHI PRESENTLY RESIDING AT FLAT NO.3B
KAVARAPPARAMBU, PERINGOT ROAD, NEAR YMCA
PALARIVATTOM, ERNAKULAM.
5. JOHNN C. MUNDADAN
JOHN IMPEX, 16 REX CHAMBERS, VALCHANT
HIRACHUND MARG, BALLARD ESTATE
MUMBAI-400 001 PRESENTLY RESIDING AT HIRACHUND MARG
BALLARD ESTATE, MUMBAI 400 001.

6. MARY SOJAN
KIZHAKKEKUTTU, H.NO.27/1106
C/O.K.G.FRANCIS KOLARIKKAL MANGHAZHA LANE
VADUTHALA PO, ERNAKULAM
KOCHI PRESENTLY RESIDING AT KIZHAKKEKUTTU
JOYS VILLA
OPP.MARY MATHA ENGLISH MEDIUM SCHOOL K.K.ROAD
CHEMBUMUKKU, ERNAKULAM.
7. ELIZABETH ALPHONSE MEENATTOOR
W/O.ALPHONSE MEENATTOOR, PALACHUVADU ROAD
PADAMUGHAL JUNCTION, KAKKANAD PO, KOCHI-682 030
8. ANNIE ADOLF PLAMOOD
C/O.ADOLF FERNANDEZ, POST BOX.30325
AL-KHOBER SAUDI ARABIA.
9. JOSE C.MUNDADAN
DIOMOND FILMS, MANDIRAM ROAD
NEAR MANDIRAM SCHOOL, AYYAPPANKAVU, ERNAKULAM, KOCHI
PRESENTLY RESIDING AT C/O.LEON IRINJALAKUDAKARAN
FASHION STREET, MISSION QUARTERS, THRISSUR.
10. JACOB C.MUNDADAN
KENNEDY MUKKU JUNCTION
NEAR THOPPIL RANI CHURCH EDAPPALLY, ERNAKULAM
KOCHI (OWNER, ST.ANTONY'S FURNITURES MART
EDAPPALLY TOLL) PRESENTLY RESIDING AT MUNDADAN HOUSE
THOPPIL JUNCTION, THRIKKAKARA PO ERNAKULAM.
11. ROSAMMA THOMAS VATTEKAT
W/O.THOMAS VATTEKKAT
C/O.ADVOCATE PIOUS C.MUNDADAN H.NO.13
MERIDIAN GARDENS, CHEMBUMUKKU, B.M.C. PO KAKKANAD
KOCHI, PRESENTLY RESIDING AT JOSH DALE-FLAT NO.IIIC
KAVARAPPARAMBU, PERINGOT ROAD, NEAR YMCA
PALARIVATTOM, ERNAKULAM
12. C. PIOUS C.MUNDADAN
ADVOCATE, H.NO.13, MERIDIAN GARDENS
CHEMBUMUKKU, B.M.C. PO KAKKANAD, KOCHI
PRESENTLY RESIDING AT MUNDADAN HOUSE
VAPPALASSERY ROAD, EAST NAGAR ANGAMALY.
13. GUJARATH AMBUJA CEMENTS LTD
CORPORATE OFFICE, 106, MARKET CHAMBERS
111, NARIMAN POINT, MUMBAI.
14. VIJAYAN MENON
GENERAL MANAGER, GUJARAT AMBUJA CEMENTS LTD
KOCHI OFFICE, IIND FLOOR, 38/691
SURABHI ENCLAVE, S.A.ROAD, KOCHI-16

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

R.F.A.No.98 OF 2014

DATED THIS THE 9th DAY OF JANUARY, 2015

JUDGMENT

P.N.RAVINDRAN, J.

Though this appeal was admitted and notice ordered to the respondents on 4.3.2014, the appellant did not pay the process fee. The registry therefore posted the appeal on 17.10.2014. On that day it was adjourned to 28.10.2014. On 28.10.2014, this Court granted the appellant two weeks' time to cure the defects. The Registry has reported that even as on today, the process fee has not been paid. When the appeal was taken up today for hearing, none appeared for the appellant. There was also no representation on behalf of the learned counsel for the appellant. Consequently, the appeal is dismissed for non-prosecution.

Sd/-
P.N.RAVINDRAN,
JUDGE

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn