

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

RP. No. 129 OF 2015 () IN RSA. NO.479 OF 2004

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AGAINST THE JUDGMENT IN RSA NO.479/2004 OF THIS COURT
DATED 16-12-2014**

REVIEW PETITIONER(S)/RESPONDENTS 2 & 3:

- 1. PARAMBIL MOIDEEN,
S/O. PARAMBIL MOIDUTTY, PARAMBIL HOUSE,
VARANAKKARA DESOM, KANMANAM AMSOM,
TIRUR TALUK, MALAPPURAM DISTRICT.**
- 2. PARAMBIL PATHUMM,U
D/O. MOIDUTTY AND W/O. KUNHAHAMMED, KODAKKATU HOUSE,
VARANAKKARA DESOM, KANMANAM AMSOM,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRL.K.RAMACHANDRAN

RESPONDENT(S):

- 1. PARAMBIL KUNHEEDU,
PARAMBIL HOUSE, VARANAKKA DESOM, KANMANAM AMSOM,
TIRUR TALUK, P.O.KANMANAM, MALAPPURAM DISTRICT-676551.**
- 2. PARAMBIL PATHUMMA UMMA,
D/O. KOYA, W/O. MOIDU, NELLIPPARAMBA DESOM,
KANMANAM AMSOM, P.O.KANMANAM, TIRUR TALUK,
MALAPPURAM DISTRICT-676561.**
- 3. PARAMBIL AYISSUMMA,
W/O. KOYA, W/O. MOIDUTTY, PATTENGARA HOUSE,
VARANAKKARA DESOM, KANMANAM AMSOM, PO KANMANAM,
TIRUR TALUK, MALAPPURAM DISTRICT-676561.**
- 4. PARAMBIL KATHIYAMMU UMMA,
D/O. KOYA, W/O. KUNHAVA, MALAPPARAMBIL HOUSE,
EZHUR DESOM, THRIKKANDIYOOR AMSOM, PO THRIKKANDIYOOR,
TIRUR TALUK, MALAPPURAM DISTRICT-676551.**

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- 5. PARAMBIL NAFEEESUMMA,
D/O. KOYA, W/O. MUHAMMAED, IYYATHAYIL HOUSE,
KALPAKANCHERY AMSOM, PO KALPAKANCHERY,
TIRUR TALUK, MALAPPURAM DISTRICT-676551.**
- 6. PARAMBIL AMINA UMMA,
D/O. KOYA, W/O. ABDUL KHADER, MACHINGAL HOUSE,
MUTHUR DESOM, TIRUR TALUK, MALAPPURAM DISTRICT-676551.**
- 7. KALLAN MOIDEEN,
S/O. ASSAN HAJI, KALLAN HOUSE, THOZHUVANNOOR DESOM,
KALPAKANCHERY AMSOM, PO KALPAKANCHERY, TIRUR TALUK,
MALAPPURAM DISTRICT-676551.**

BY DR. GEORGE ABRAHAM

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 13-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

KRJ

A.V.RAMAKRISHNA PILLAI, J.

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R.P No.129 of 2013

in

R.S.A No.479 of 2004

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Dated this the 13th day of February, 2015

ORDER

This review petition was filed by the respondents 2 and 3 in the appeal for a minor clarification regarding the decretal portion of the judgment.

2. This Court by the impugned judgment allowed the appeal and set aside the decree of the lower appellate court and the matter was remitted back to the District Court for fresh consideration in the light of what has been stated in the judgment. The additional documents produced by the appellants as Annexures E and F were returned for being produced before the District Court. It was also directed that on production of the aforesaid documents, the District Court shall admit the same in evidence and complete the exercise of re-consideration within the time fixed by this Court.

3. The review petitioners apprehend that because of the direction to admit those documents in evidence, the lower appellate court could straight away admit the same without affording the petitioners an opportunity to challenge the same. What was intended by this Court was to admit the documents in accordance with law, on sufficient proof.

With the aforesaid clarification, this review petition is disposed of making it clear that the District Court itself shall consider the question regarding the admission of documents in evidence and give a final verdict within the time frame fixed by this Court in the judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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