

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

R.P.No.201 of 2015 (O)

JUDGMENT DATED 23.9.2014 IN WP(C) 25150/2010.

REVIEW PETITIONER'S/RESPONDENTS 1 & 2:

1. T.CHURULY RAJ,S/O.THIRUMALAISAMY,
AGED 70 YEARS,MAKANAKRISHNAN PATTY,
THEVARAM,UTHAMAPALAYAM TALUK,PIN-671 319.
2. PARVATHY AMMAL,W/O.CHURULY RAJ,
MAKANAKRISHNAN PATTY,THEVARAM,
UTHAMAPALAYAM TALUK,PIN-671 319.

BY ADV.SRI.C.K.PAVITHRAN

RESPONDENT'S/PETITIONER & RESPONDENTS 3 & 4:

1. P.V.CHERIAN,S/O.VARGHESE,PULLUKETT HOUSE,
VAKATHANAM,CHANGANASSERI,KOTTAYAM.
2. PENNAMMA,W/O.NAPOLEAN,RESIDING AT PALAM,
POOPPARA KARA,POOPPARA VILLAGE,PIN-685 619.
3. NAPOLEAN,S/O.SREENIVASAN,RESIDING AT PALAM,
POOPPARA KARA,POOPPARA VILLAGE,PIN-685 619.

**R1 BY ADV.SRI.M.NARENDRA KUMAR
R2&R3 BY ADVS.SRI.K.J.KURIACHAN
SRI.SUNIL JACOB
BY SMT.S.AMBILY**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

R.P.No.201 of 2015 (O)

APPENDIX

PETITIONER'S ANNEXURES:

NIL

RESPONDENT'S ANNEXURES:

ANNEXURE R1(a):TRUE COPY OF SALE AGREEMENT DATED 28.10.1995.

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

.....
Review Petition No. 201 of 2015
in W.P.(C) No. 25150 of 2010
.....

Dated this the 30th day of June, 2015

ORDER

Heard learned counsel for the review petitioner and the learned Senior Counsel for the first respondent.

2. According to the learned counsel for the review petitioner, the review petitioner did not get an opportunity to argue the matter as notice was not served on him. The learned counsel has also pointed out that through the judgment, it seems that the review petitioner is not entitled to challenge the matter before the court below based on the basic document.

3. This is a case wherein, there is a change of survey number in the document executed in favour of the

first respondent. At the same time, there is no change in the boundaries. The said matter has been discussed specifically in paragraphs 5 and 8 of the judgment of this Court.

4. Regarding the opportunity, it seems that paragraph 10 of the judgment ensures opportunity to the parties to take up all questions before the court below. It has been specifically mentioned that all the objections of both sides can be considered afresh by the court below. In such a case, there need not be any apprehension as the one forwarded by the learned counsel for the review petitioner. Hence, this review petition lacks merit, and is only to be dismissed, and I do so.

In the result, the Review Petition is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge