

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

RP.No. 930 of 2015 ()

RFA 526/2014 of THIS HON'BLE COURT

PETITIONER/APPELLANT/2ND DEFENDANT :

**BABU RAGHAVENDRA PAI
KALLATHIPARAMBIL, RAMESWARAM VILLAGE,
PALLURUTHY, COCHIN 682 006.**

**BY ADVS.SRI.LEGY ABRAHAM
SRI.ABE RAJAN
SRI.ROY THOMAS**

RESPONDENTS/RESPONDENTS/PLAINTIFFS 1 TO 6 & DEFENDANTS 1,3&4 :

- 1. V.V. GOPALAKRISHNA PRABHU,
S/O.VITTALA PRABHU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006 (DIED).**
- 2. MOHANA PRABHU,
S/O.GOPALAKRISHNA PRABHU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**
- 3. KANAKAM
W/O.GOPALAKRISHNA PRABU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**
- 4. BHASKARA PRABHU,
S/O.GOPALAKRISHNA PRABU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**
- 5. MEETHA,
D/O.GOPALAKRISHNA PRABU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**
- 6. LATHA,
S/O.GOPALAKRISHNA PRABU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**
- 7. V.V.RADHAKRISHNA PRABHU,
S/O.VITTALA PRABHU, VEMBRAKKATTU VEETIL
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**

RP.No. 930 of 2015 ()

**8. SANTHARAM PRABHU,
S/O.LATE RADHAKRISHNA PRABHU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**

**9. SYAMALA,
W/O.RADHAKRISHNA PRABHU, VEMBRAKKATTU VEETIL,
RAMESWARAM VILLAGE, PALLURUTHY, COCHIN 682 006.**

**R8 & R9 BY ADV. SRI.ALEX ANTONY SEBASTIAN P.A.
BY SRI.SHIJU VARGHESE**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

P.B.SURESH KUMAR, J.

R.P.No.930 of 2015

in

R.F.A.No.526 of 2014

Dated this the 23rd day of November, 2015

ORDER

The appellant seeks review of the judgment.

2. The issue arose for consideration in the appeal was as to whether the building bequeathed to the first defendant as per Ext.A1 will is a building in the property bequeathed to the first plaintiff. As per the judgment sought to be reviewed, relying on the description of the property allotted to the first defendant as per Ext.A1 will, it was held that the building bequeathed to the first defendant is a building in the property bequeathed to the first plaintiff as per the very same will. The ground urged in the review petition is that the description of the property bequeathed to

in

R.F.A.No.526 of 2014

the first plaintiff as per Ext.A1 will does not take in the land in which the building bequeathed to the first defendant stands. In other words, according to the review petitioner, the decision sought to be reviewed is incorrect. Incorrectness of a decision, according to me, is not a ground on which the review of the judgment can be sought. That apart, the description of property bequeathed to the first defendant as extracted in the judgment indicates beyond doubt that the building in question is a building in the property allotted to the first plaintiff.

In the said view of the matter, I do not find any merit in the review petition. The review petition is, accordingly, dismissed.

P.B.SURESH KUMAR, JUDGE.

smm