

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

RP.No. 1043 of 2015 () IN SA.378/1998

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AGAINST THE JUDGMENT IN SA 378/1998 of HIGH COURT OF KERALA
DATED 04-02-2011**

REVIEW PETITIONER(S)/RESPONDENT IN S.A.:-:

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KALLANIKKAL NIRMALA AMMA, AGED 58 YEARS
D/O.VELAYUDHAN NAIR, RESIDING AT OOLERIMALAYIL
KAYANNA DESOM, KOYILANDI TALUK, P.O.CHERUKAD
KOZHIKODE DISTRICT.**

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENT(S)/APPELLANTS:-:

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- 1. KALLANIKKAL MALATHI AMMA, AGED 63 YEARS
D/O.VELAYUDHAN NAIR, RESIDING AT OOLERIMALAYIL
KAYANNA AMSOM, KOYILANDI TALUK, KOZHIKODE DISTRICT.**
 - 2. PRATHAPAN, AGED 32 YEARS
S/O.RAJAN NAIR, RESIDING AT OOLERIMALAYIL
KAYANNA AMSOM, KOYILANDI TALUK, KOZHIKODE DISTRICT.**

**BY ADV. SMT.M.R.SREELATHA
SRI. P.K. SURESH KUMAR**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ds

P.BHAVADASAN, J.

R.P. No. 1043 of 2015

in

S.A.No.378 of 1998

Dated this the 09th day of December, 2015

ORDER

In this review petition, what is sought for by the review petitioner is the clarification to the effect that in respect of 3 acres which he obtained under the partition deed, the respondents herein are not interfered with the right in possession of the petitioner.

2. The suit was filed by the petitioner as plaintiff claiming right over the extent of 4.32 acres of land. The trial court found that in fact they had only 3 acres and dismissed the suit. The lower appellate court reversed the finding and granted a decree in favour of the plaintiff. That brought the defendant before this Court.

3. This Court, in consideration of various aspects, especially, the documents produced by both sides, concurred with the trial court and found that the plaintiff has

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right over only 3 acres and not 4.32 acres and restored the finding of the trial court, failed to see the need for clarification in this regard. This Court has only indicated that the claim made by the plaintiff for 4.32 acres of land is misplaced as their documents of title take in only 3 acres. If they are entitled in law, there is no reason as to why they should not be able to safe guard their interest.

With the above observation, this review petition is disposed of.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge