

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

RSA.No. 704 of 2015 ()

**AGAINST THE JUDGMENT AND DECREE IN AS 356/2010 of I ADDL.DISTRICT COURT,
PALAKKAD DATED 20-01-2015.**

**AGAINST THE JUDGMENT AND DECREE IN OS 53/2008 of MUNSIFF COURT, CHITTUR
DATED 21-10-2010.**

APPELLANT/APPELLANT/DEFENANT :

**BALAKRISHNAN, AGED 56 YEARS,
S/O. PONNU, KALMUKKU, NENMARA POST - 678 508
NENMARA VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.O.RAMACHANDRAN NAMBIAR.
SRI.GEEN T.MATHEW.**

RESPONDENTS/RESPONDENTS/PLAINTIFFS AND DEFENDANTS 2, 3 AND 5 TO 8 :

- 1. VANAJA, AGED 47 YEARS, W/O. MOHANKUMAR, MEENIKODE,
VADAVANNUR POST - 678 504 VADAVANNUR VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.**
- 2. GANGADHARAN, AGED 57 YEARS,
S/O. PONNU, KALMUKKU, NENMARA POST - 678 508
NENMARA VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT.**
- 3. JANAKI, AGED 66 YEARS,
W/O. SHANMUGHAN, KUZHATHINKAL HOUSE, PAZHAYATHARA,
CHERAMANGALAM POST - 678 703, AALATHUR TALUK, PALAKKAD DISTRICT.**
- 4. N. NAS, AGED 50 YEARS,
W/O. SANTHOSH, RAM NIVAS, INDUSTRIAL ESTATE,
KALLEKULANGARA POST - 678 009, PUDUPARIYARAM AMSOM,
PALAKKAD TALUK, PALAKKAD DISTRICT.**
- 5. BENNY, S/O NATESA, AGED 47 YEARS,
POOKKOTTU THOTTAM, AYILUR VILLAGE,
AYILUR POST -676 305, CHITTUR TALUK, PALAKKAD DISTRICT.**
- 6. BINDHU, D/O NATESAN, AGED 43 YEARS,
PUTHANVEEDU, PALLAM POST - 686 001, KOTTAYAM DISTRICT.**
- 7. BAIJU, AGED 43 YEARS,
S/O. NATESAN, KALMUKKU, AYILUR POST - 678 305
AYILUR VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT.**

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

amk

A.HARIPRASAD, J.

R.S.A No.704 of 2015

Dated this the 29th day of July, 2015.

J U D G M E N T

Appellant is the first defendant in O.S No.53 of 2008 on the file of the Court of Munsiff, Chittur. Respondents are the plaintiff and defendants 2, 3 and 5 to 8 in the said suit. First respondent filed a suit for partition and separation of the plaint schedule property. Respondents 1 to 3 and late 4th defendant and the appellant are children of deceased Ponnu. Plaint schedule property belonged to deceased Ponnu. Each of the parties is having 1/5th share over the plaint schedule property. The appellant and the second respondent filed written statement resisting the plaint claims. According to them the plaint schedule property was not purchased by their father and the property was not available for partition.

2. Heard the learned counsel for the appellant. I have carefully perused the judgments of the trial court and the lower

appellate court. The trial court decreed the suit finding that the property was acquired by deceased Ponnu and after his death the property devolved on the legal heirs of deceased Ponnu. It is purely a question of fact. The same was confirmed by the lower appellate court after reconsidering the evidence. I do not find any substantial question of law arising for determination by invoking this Court's power under Section 100 C.P.C.

In the result, the appeal is dismissed as it is devoid of any merit.

All pending interlocutory applications will stand dismissed.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

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