

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

RSA.No. 996 of 2015

**JUDGMENT DATED 08-07-2011 IN AS 203/2009 OF DISTRICT COURT, KOTTAYAM
OS 320/2007 of ADDL. MUNSIFF COURT, KOTTAYAM**
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APPELLANT(S)/1ST APPELLANT/1ST PLAINTIFF:

**SHERLY KRISHNADAS, AGED 54/2013,
W/O.KRISHNADAS, MAHIMAYIL HOUSE, MUTTAMBALAM KARA,
MUTTAMBALAM VILLAGE, KOTTAYAM TALUK**

**BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON**

RESPONDENT(S)/RESPONDENTS/DEFENDANTS:

- 1. PRINCE KISHORE, AGED 47/2013,
S/O.NANAPPAN, RESIDING AT CHENGAZHASSERIL,
MUTTAMBALAM KARA, MUTTAMBALAM VILLAGE, KOTTAYAM - 686 004.**
- 2. SUSHAMA C.N., AGED 52/2013,
W/O.LATE VIJAYAKUMAR, TEACHER, C.T.G. CENTRAL SCHOOL,
NEAR SANKARA HOSPITAL, KOLLAM - 691 021.**

R2 BY ADV. SRI.LIJI J.VADAKEDOM

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

P.B.SURESH KUMAR, J.

R.S.A.No.996 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

Heard the learned counsel for the appellant.

2. The short issue arising for consideration in this second appeal is as to whether the gift made by the second plaintiff in favour of the second defendant as per Ext.B1 deed has been accepted or not. The decision on this issue will decide the fate of the second appeal.

3. It is trite that little evidence is sufficient for the court to infer that a gift has been accepted by the donee. Two courts have concurrently found that the gift made as per Ext.B1 deed has been accepted by the second defendant. That apart, Ext.B1 gift was made by the second plaintiff to the second defendant on 26.9.2001. The original

of Ext.B1 gift deed was all along in the possession of the second defendant and the same was produced by the second defendant before the court. Exts.B2 and B3 indicate that immediately after the gift, the second defendant applied to effect mutation of the property covered by the gift deed in her favour. It is in the aforesaid circumstances, the courts below came to the conclusion that the gift made as per Ext.B1 deed has been accepted by the second defendant.

4. The learned counsel for the appellant contended that the impugned decree in relation to the counter claim schedule property was granted without identifying the counter claim scheduled property. A perusal of the written statement filed by the plaintiffs to the counter claim does not indicate that the plaintiffs have disputed the identity of the counter claim schedule property. There is,

therefore, no merit in the said argument.

The second appeal, in the aforesaid facts and circumstances, is devoid of merits and the same is accordingly dismissed. All the interlocutory applications in the appeal are closed.

P.B.SURESH KUMAR, JUDGE.

smm