

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

RSA.No. 920 of 2014 ()

AGAINST THE JUDGMENT AND DECREE IN AS 56/2012 of DISTRICT COURT, KOLLAM
DATED 28-02-2014.

AGAINST THE JUDGMENT AND DECREE IN OS 43/2007 of MUNSIF-MAGISTRATE
COURT, PARAVOOR DATED 30-11-2009.

APPELLANT /APPELLANT/1ST DEFENDANT:

PRABHAKARAN, AGED 67 YEARS,
S/O.GOPALAN, ASWATHY HOUSE NO.PXIX,
CHATHANNOOR PANCHAYATH, MEENAD VILLAGE, KOLLAM.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR).

RESPONDENT(S)/RESPONDENTS/PLAINTIFF/2ND DEFENDANT :

1. VIKRAMAN PILLAI, AGED 62 YEARS,
S/O.RAGHAVAN PILLA, IV BHAVAN,
KOTTAPURAM, PARAVUR 691 301.
2. SULOCHANA, AGED 60 YEARS,
D/O.SAHADDEVAN, KUZHUVILA, CHATHANNOOR,
KOLLAM 691572 KOLLAM-691 572.

R1 BY ADVS. SRI.C.R.VIJAYAKUMARAN PILLAI
& SRI.R.SANTHOSH.

THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

amk

A.HARIPRASAD, J.

R.S.A No.920 of 2014

Dated this the 29th day of June, 2015.

J U D G M E N T

Appeal by the first defendant in O.S No.43/2007 on the file of the Court of Munsiff, Sourt Paravur. The suit was one for recovery of money. It is contended by the plaintiff that defendants 1 and 2, who are husband and wife conducted a private unregistered chitty business. The period of the chitty was 20 monthly installments of Rs.5,000/- each. Plaintiff paid Rs.85,000/- in 17 installments and thereafter the defendants closed down the business. In spite of repeated demands, money was not returned and hence the plaintiff was constrained to file the suit.

2. The second defendant filed a written statement disputing the averments in the plaint. According to her, there was no transaction between the plaintiff and the second

defendant.

3. The trial court after considering various documents produced on both sides and the oral evidence adduced decreed the suit. The defendants unsuccessfully challenged the decree before the learned District Judge, Kollam.

4. Heard the learned counsel for the appellant and the contesting respondents.

5. Learned counsel for the appellant submitted that the court below failed to appreciate correctly the evidentiary value of Ext.A1. This submission is strongly opposed by the learned counsel for the respondent. I have been taken through various parts of the judgments of the trial court and the appellate court. It can be seen that both the courts have correctly appreciated the evidence to arrive at a conclusion that the transaction claimed by the plaintiff had been properly proved. I find no substantial question of law involved in this case. I find that the appeal is

devoid of any merit. Hence, the regular second appeal is dismissed.

All pending interlocutory applications will stand dismissed.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

amk