

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

SA.No. 832 of 1999 (G)

**AGAINST THE JUDGMENT AND DECREE IN AS 90/1996 of ADDL.SUB COURT,
THALASSERY DATED 27-10-1999.**

**AGAINST THE JUDGMENT AND DECREE IN OS 592/1993 of ADDL.MUNSIFF COURT,
KANNUR DATED 03-01-1996.**

APPELLANTS/APPELLANTS/PLAINTIFFS :

- * 1. PANIKKARAKATH ABDUL KHADER HAJEE,
 S/O AMMAD, 73 YEARS, TRADER, RESIDING
 AT VALAPATTAN AMSOM, DESOM (DIED).
2. PANIKKARAKATH MOIDEEN KUTTY
 S/O -DO-, 68 YEARS, -DO- -DO- (DIED)
3. -DO- IBRAHIMKUTTY, 54 YEARS,
 NO OCCUPATION, RESIDING AT K.K.HOUSE
 STATION ROAD, PAPPINISSERY.
 (PLAINTIFF 1 AND BY MUKTHIYAR HOLDER NO.3)

BY ADV. SRI.K.M.MOHAMMED KUNHI.

RESPONDENTS/RESPONDENTS/DEFENDANTS :

1. PONNANKAYI SAINABA, W/O IBRAHIMKUTTY,
 44 YEARS, NO OCCUPATION, RESIDING IN
 NARAYAM HOTEL, KEERIYAD.
2. PONNANKAYI BEEPATHU, W/O LATE ABOOBACKER,
 44 YEARS, NO OCCUPATION, RESIDING AT
 PAPPINISSERY.
3. -DO- KHADEEJA, W/O MOOSAN, 42 YEARS,
 NO OCCUPATION, RESIDING AT OLD RAILWAY
 TOLL GAGE, PAPPINISSERY.
4. KACHAYI MANKOOL MARIYUMMA, D/O LATE MAMMU,
 47 YEARS, NO OCCUPATION, RESIDING AT
 KACHAYI MANKOOL HOUSE, PAPPINISSERI AMSOM DESOM.

- * 5. CHEMBEN SUHARA, W/O LATE MOIDEEN KUTTY, AGED 60 YEARS, NO OCCUPATION, RESIDING AT CHEMBEN HOUSE, AZHIKODE AMSOM DESOM, KANNUR TALUK KANNUR DISTRICT
- * 6. V.ABDUL MAJEED, AGED 52, BUSINESS.
- * 7. V.MARIYAMBI, AGED 47 YEARS, NO OCCUPATION.
- * 8. V.MUHAMMED ALI, AGED 45, BUSINESS.
- * 9. V.ASHRAF, 43, BUSINESS,
- * 10. V.SHUKUR, 41, BUSINESS.
- * 11. V.RAFEEQUE, 40, BUSINESS.
- * 12. V.NAZAR, 39, PERSONAL SERVICE.
- * 13. V.THABERA, 38, HOUSE WIFE.
- * 14. V.HARIS, 33, PERSONAL SERVICE.

- * R5 IMPEADED AS SUPPLEMENTAL AS PER ORDER DATED 29-02-2000 IN C.M.P NO.370/2000 IN S.A NO.832/99.

- * ADDITIONAL R6 TO R14 ARE CHILDREN OF LATE ABDUL KADER, RESIDING AT KHADEEJA MANZIL, P.O VALAPPATTANAM, KANNUR TALUK AND DISTRICT. R7 TO R14 THROUGH THEIR POWER OF ATTORNEY HOLDER V.ABDUL MAJEED.

- * ADDITIONAL RESPONDENTS 6 TO 14 ARE IMPEADED AS THE LEGAL REPRESENTATIVES OF DECEASED FIRST APPELLANT AS PER ORDER DATED 5-11-2001 IN C.M.P NO.2068/2001.

ADDL.R5 to R14 BY ADV. SRI.M.P.MUHAMMAD FAZIL.

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

amk

A.HARIPRASAD, J.

S.A No.832 of 1999

Dated this the 14th day of July, 2015.

J U D G M E N T

No representation for the appellant. The appeal is of the year 1999. It was admitted and notice was ordered on 05-04-2000. The appeal comes up in the defect list. No steps have been taken to cure the defect. Hence the regular second appeal is dismissed for default.

All pending interlocutory applications will stand dismissed.

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

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P.A to Judge