

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

SA.No.616 of 2001 (F)

AGAINST THE JUDGMENT IN AS 13/1996 of PRL. SUB COURT, KOTTAYAM
DATED 30-11-2000

AGAINST THE JUDGMENT IN OS 22/1992 of MUNSIF COURT, ETTUMANOOR
DATED 25-07-1995

APPELLANTS/APPELLANTS/PLAINTIFFS 1 & 3:

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1. N.M.RADHAKRISHNAN NAIR,
RESIDING AT KAMALALAYAM VEETIL,
KURUMULLOOR KARA, KANAKKARY VILLAGE,
KOTTAYAM DISTRICT.
 2. N.M.BALAKRISHNAN NAIR,
RESIDING AT KAMALALAYATHIL,
KURUMULLOOR KARA, KANAKKARY VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS/RESPONDENTS/DEFENDANTS:

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- *1. I.D.JOSEPH ITTAMKULANGARA VEETIL, **(DIED)**
KURUMULLOOR KARA, KANAKKARY VILLAGE,
KOTTAYAM DISTRICT. **(L.HR. RECORDED)**
 2. MARYKUTTY JOSEPH, W/O.I.D.JOSEPH,
ITTANKULANGARA VEETIL, KURUMULLOOR KARA,
KANAKKARY VILLAGE, KOTTAYAM DISTRICT.

* AS PER THE ORDER DATED 27.10.2015 VIDE MEMO CF 5203/2015
DATED 7.9.2015, RESPONDENT NO.2 IS RECORDED AS THE SOLE LEGAL
REPRESENTATIVE OF DECEASED RESPONDENT NO.1

R2 BY SRI.S.V.BALAKRISHNA IYER, SENIOR ADVOCATE
R2 BY ADV. SRI.MATHEW JOHN

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 27-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

S.A.No.616 Of 2001

Dated this the 27th day of October, 2015.

J U D G M E N T

Sri.P.R.Venketesh, learned counsel appearing for the appellants, submits that the appeal may be closed for non-prosecution with liberty to file appropriate application to reopen this appeal within a reasonable time.

In the light of the submission made by the learned counsel for the appellants, the Second Appeal stands dismissed for non-prosecution with the aforestated liberty.

ALEXANDER THOMAS,
Judge.

Bkn/-

The judgment dated 27/10/2015 in S.A 616/2001 is recalled as per order dated 25/11/2015 in M.J.C.No.416/2015 in S.A 616/2001.

sd/-
Registrar (Judicial)

ALEXANDER THOMAS, J.

S.A.No.616 Of 2001

Dated this the 27th day of October, 2015.

ORDER

Learned counsel for the respondents has filed a memo dated 7.9.2015 in this appeal wherein it is reported that 1st respondent expired on 11.1.2003 and that he had one half right in the property through which the alleged pathway passes and that he had registered Will as document No.188/2002 of SRO, Kuruvilangad bequeathing his interest to the 2nd respondent herein (his wife) and his Will is not challenged by his children and the said 2nd respondent is the sole legal representative of the 1st respondent.

The submission in the said memo dated 7.9.2015 filed by the learned counsel for the respondents is recorded.

ALEXANDER THOMAS,
Judge.

bkn/-