

**C.M.P.No.15613 of 2021 in
C.R.P.(PD)No.1488 of 2013**

V.M.VELUMANI,J.

(The matter is heard through “Video Conferencing/Hybrid Mode”).

This C.M.P. is filed to bring on record the proposed petitioner as the legal representative of the deceased P.K.Karunan Nambiar in the above C.R.P.(PD)No.1488 of 2013.

2. According to the proposed petitioner, he is the present Karanavan of the petitioner family. The previous Karanavan of petitioner family P.K.Karunan Nambiar was contesting the above C.R.P. challenging the order dated 31.12.2012 made in O.S.No.62 of 1995 on the file of the Land Tribunal, Mahe. Pending C.R.P., the Karanavan of petitioner family P.K.Karunan Nambiar died on 05.05.2021. After the death of petitioner P.K.Karunan Nambiar, as per the custom prevailing in their family, the proposed petitioner became the Karanavan of family as he is the eldest male member. The suit property and other properties

belong to Kakkottidathil Paramba in the Palloor Desam, Nalluthara Amsom, Mahe Commune. As per the customs, all the properties are under the management of the senior male member known as Karanavan. As the proposed petitioner is the eldest male member, he became Karanavan of family and prayed for allowing the C.M.P.

3.The respondents 1 to 3 filed counter affidavit and stated that P.K.Karunan Nambiar, the petitioner in C.R.P. and proposed petitioner P.K.Kunhikrishnan Nambiar are total strangers and are not members of the family of Karanavan. They are not from the Kakkott Edathil Tharawad. They belong to Parambilankandy Tharawad and their initials are “P.K.” not “K.E.” (Kakkot Edathil). The proposed petitioner has no locus standi to represent any family or to file present petition to represent C.R.P. as the petitioner is not senior male member of any Tharawad. C.R.P. filed by K.E.Kunhikrishnan Nambiar itself is not maintainable. The respondents 1 to 3 have also made various averments with regard to merits of their case in the C.R.P. and prayed for dismissal of the C.M.P.

4.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused entire materials on record.

5.From the averments made in the affidavit filed in support of C.M.P., it is seen that it is the case of the proposed petitioner that he is the eldest male member of the family and he became Karanavan of family after death of P.K.Karunan Nambiar. On the other hand, it is the case of the respondents 1 to 3 in the counter affidavit that the proposed petitioner is a total stranger and he does not belong to the family. The respondents 1 to 3 have also taken a stand that C.R.P. filed by K.E.Kunhikrishnan Nambiar, original petitioner in C.R.P. itself is not maintainable, P.K.Karunan Nambiar is also not member of the family and he has no right to represent the family.

6.From the order of this Court dated 09.03.2021 made in

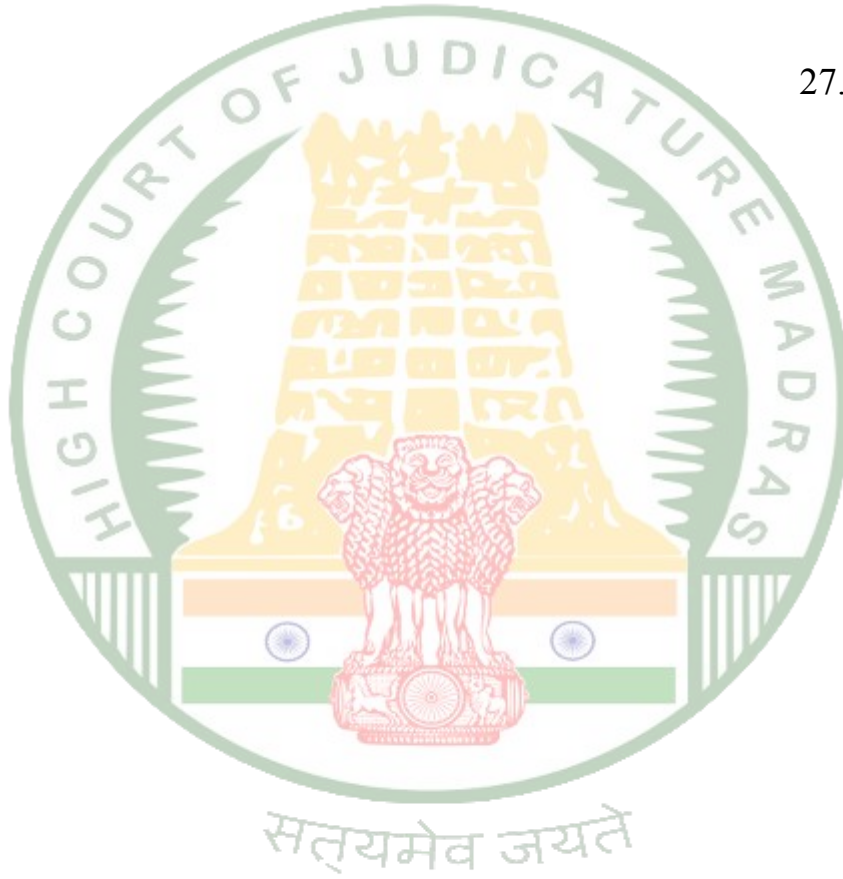
C.M.P.Nos.4077 and 4087 of 2021 in the above C.R.P., it is seen that P.K.Karunan Nambiar was brought on record as petitioner in the C.R.P. in the place of deceased K.E.Kunhikrishnan Nambiar, the original petitioner in C.R.P. The respondents 1 to 3 did not file any counter affidavit in the said C.M.Ps. for bringing on record the said P.K.Karunan Nambiar as petitioner in C.R.P. and the respondents 1 to 3 also did not challenge the said order dated 09.03.2021. In view of the same, now it is not open to the respondents 1 to 3 to contend that P.K.Kunhikrishnan Nambiar, the proposed petitioner is not a member of the family and he is not Karanavan of family. The respondents 1 to 3 have stated that the proposed petitioner is not member of the family and not Karanavan of family. But they have not stated that who is the eldest male member of the family and Karanavan of the said family. Except stating that proposed petitioner is total stranger and not member of the family, they have not furnished any other details to deny the same. Considering the averments made in the affidavit filed in support of the C.M.P. and earlier order of this Court dated 09.03.2021, the present C.M.P. is ordered.

7.Registry is directed to carry out necessary amendment in the main C.R.P. and list the C.R.P. for final disposal after two weeks.

27.09.2021

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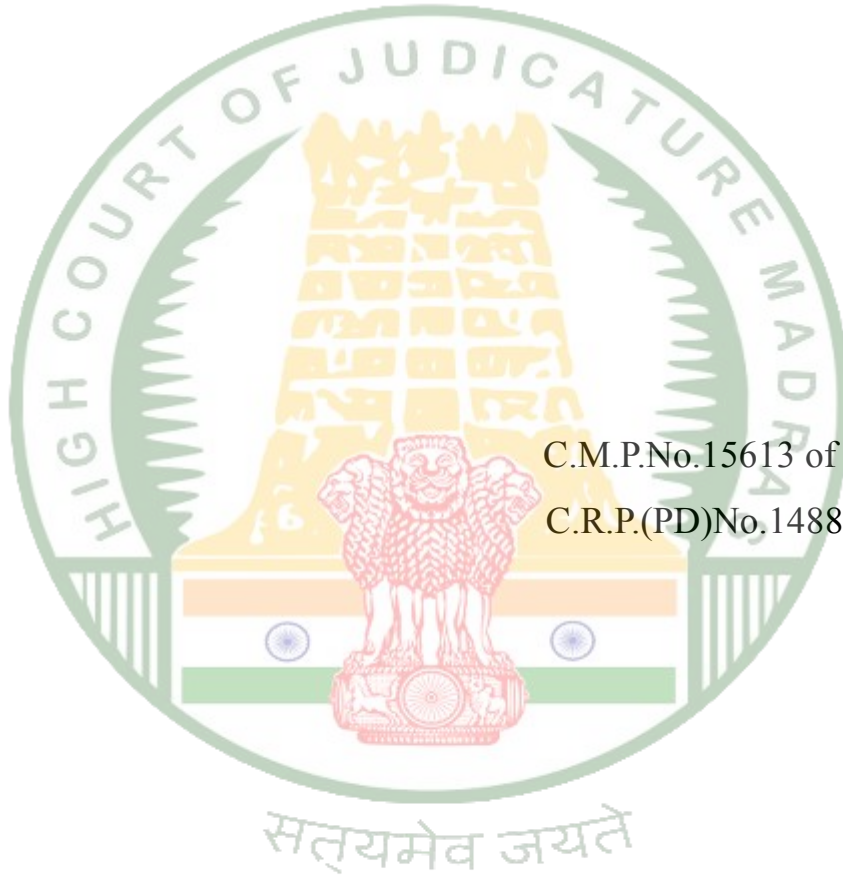


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