IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

THURSDAY, THE 18TH DAY OF JANUARY 2024/28TH POUSHA, 1945

RSA NO. 295 OF 2012

AGAINST THE DECREE AND JUDGMENT DATED 25.10.2011 IN AS 111/1993 OF DISTRICT COURT, ALAPPUZHA

DECREE AND JUDGMENT DATED 30.06.1992 IN OS 637/1988 OF PRINCIPAL MUNSIFF, ALAPPUZHA

APPELLANT/RESPONDENT/DEFENDANT:

1 CHELLAMMA, (DIED) (LEGAL HEIRS IMPLEADED)
W/O RAMAN KOCH,
RESIDING AT KANDATHIL PARAMBIL CALLED AS
KOCHITTANPARAMBU, KOMMADY WARD,
SOUTH ARYAD MURI, ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK, ALAPPUZHA DISTRICT.

ADDL.A2 K.SUGUNAN,
AGED 68 YEARS
S/O.RAMAN KOCHU,KANDATHIL PARAMBI,
ARATTUVAZHY WARD, ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK, ALAPPUZHA -688 007.

ADDL.A3 OMANA,
AGED 66 YEARS
D/O.CHELLAMMA HOUSEHOLD AFFAIRS,
KANDATHIL PARAMBI, ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE, AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL. A4 PRIYAMMA,
AGED 64 YEARS
D/O.CHELLAMMA HOUSEHOLD AFFAIRS,
KANDATHIL PARAMBI, ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE, AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A5 AMBIKA,
AGED 62 YEARS
D/O.CHELLAMMA HOUSEHOLD AFFAIRS,
KANDATHIL PARAMBI, ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE, AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A6 SAROJAM,
AGED 60 YEARS
D/O.CHELLAMMA HOUSEHOLD AFFAIRS,
KANDATHIL PARAMBI,
ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A7 MOHANAN,
AGED 64 YEARS
S/O.RAMAN KOCHU UNEMPLOYED,
KANDATHIL PARAMBI,
ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A8 MURALEESHWARI,
AGED 56 YEARS
D/O.CHELLAMMA HOUSEHOLD AFFAIRS,
KANDATHIL PARAMBI, ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A9 PRAKASAN,
AGED 54 YEARS
S/O.RAMAN KOCHU, LOADING WORKER,
KANDATHIL PARAMBI, ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A 10 SUJA,
AGED 43 YEARS
W/O.DRUVAN, HOUSEHOLD AFFAIRS,
KANDATHIL PARAMBI, ARATTUVAZHY WARD,
ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK,
ALAPPUZHA -688 007.

ADDL.A11 ANANTHU,
AGED 21 YEARS
S/O.DRUVAN,,KANDATHIL PARAMBI,
ARATTUVAZHY WARD, ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK, ALAPPUZHA -688 007.

ADDL.A12 ATHIRA,
AGED 21 YEARS
D/O.DRUVAN,,KANDATHIL PARAMBI,
ARATTUVAZHY WARD, ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK, ALAPPUZHA -688 007.
(LEGAL HEIRS OF DECEASED SOLE APPELLANT ARE IMPLEADED AS ADDL.APPELLANTS 2 TO 12 AS PER THE ORDER DATED 14.01.2021 IN IA.1/2021.)

BY ADVS.
SRI.R.AZAD BABU
R.AZAD BABU
V.K.ASOKAN(K/000368/1989)

RESPONDENT/APPELLANT/PLAINTIFF:

GOPALA PILLAI BALAKRISHNA PILLAI
RESIDING AT MADATHIPARAMBIL FROM KALLELIL,
SOUTH ARYAD MURI, ARYAD SOUTH VILLAGE,
AMBALAPUZHA TALUK, ALAPPUZHA DISTRIT 688 001.

BY ADVS.
SMT.MEENA.A.
SRI.VINOD RAVINDRANATH
SMT.M.R.MINI
SRI.ASHWIN SATHYANATH
SRI.ROHIT NANDAKUMAR
SRI.K.C.KIRAN
SRI.M.DEVESH
SHRI.ANISH ANTONY ANATHAZHATH

THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON 18.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 18th day of January, 2024

This Regular Second Appeal has been filed under Section 100 of the Code of Civil Procedure, challenging the judgment and decree dated 25.10.2011 in A.S.No.111/1993 on the files of the District Court, Alappuzha arose out of the judgment and decree dated 30.06.1992 in O.S.No.637/1988 on the files of the Munsiff Court, Alappuzha.

2. No representation for the appellant. Last time also, there was no representation for the appellant. The respondent is ready to argue the matter. Since the appellant is not ready to argue the matter and has been absent for the last two postings, this appeal stands dismissed for non-prosecution.

3. All interlocutory orders stand vacated and all interlocutory applications pending in this regular second appeal stand dismissed.

Registry shall inform this matter to the trial court as well as the appellate court forthwith.

Sd/-
A. BADHARUDEEN
JUDGE

nkr