

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945

RSA NO. 217 OF 2015

AGAINST THE DECREE AND JUDGMENT DATED 14.02.2014 IN AS

410/2009 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM

THE DECREE AND JUDGMENT DATED 27.10.2009 IN OS 610/2008

OF II ADDITIONAL SUB COURT, ERNAKULAM

APPELLANTS/APPELLANTS 1 AND 2 AND ADDITIONAL APPELLANTS

3 TO 5/DEFENDANT NOS.10 AND 11:

- 1 A.D.VARGHESE (DIED)
 S/O.DEVASSY, M.R.A - 69,
 AZHEPPARAMBIL VEEDU, MASTER ROAD,
 VADUTHALA DESOM, CHERANELLOOR VILLAGE,
 KANAYANNUR TALUK, ERNAKULAM DISTRICT,
 PIN - 682 023.
- 2 MARY VARGHESE
 AGED 50 YEARS
 W/O.LATE A.D.VARGHESE, (DIED) ,
 M.R.A - 69, AZHEPPARAMBIL VEEDU,
 MASTER ROAD,VADUTHALA DESOM,
 CHERANELLORE VILLAGE, KANAYANNUR TALUK,
 ERNAKULAM DISTRICTPIN - 682 023.
- 3 A.V.SAJI
 AGED 38 YEARS
 S/O.LATE A.D.VARGHESE, (DIED)M.R.A - 69,
 AZHEPPARAMBIL VEEDU, MASTER ROAD,
 VADUTHALA DESOM, CHERANELLOORE VILLAGE,
 KANAYANNURTALUK, ERNAKULAM DISTRICT
 PIN - 682 023.
- 4 A.V.SAJAN
 AGED 35 YEARS
 S/O.LATE A.D.VARGHESE (DIED) ,
 M.R.A - 69, AZHEPPARAMBIL VEEDU,

MASTER ROAD, VADUTHALA DESOM,
CHERANELLOORE VILLAGE,
KANAYANNURTALUK, ERNAKULAM DISTRICT,
PIN - 682 023.

- 5 SAJITHA PHILIP
AGED 32 YEARS
W/O. PHILIP, CHAKKALAYIL HOUSE,
LABOUR QUARTERS EROORD/O. LATE A.D. VARGHESE
(DIED),
M.R.A - 69, AZHEPARAMBIL VEEDU, MASTER ROAD,
VADUTHALA DESOM, CHERANELLOORE VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT,
PIN - 682 023.

BY ADV SMT. P.K. PRIYA

RESPONDENTS/RESPONDENTS/PLAINTIFF/DEFENDANTS 1 TO 9:

- 1 V.V. GOPI
AGED 63 YEARS
S/O. VELU, VELIKKAKATHU VEEDU, VADUTHALA
DESOM, CHERANELLOORE VILLAGE, ERNAKULAM - 682
023.
- 2 V.V. PADMANABHAN (DIED)
S/O. VELU, VELIKKAKATHU VEEDU, MAMBILLY ROAD,
NJARAKKAL DESOM, NJARAKKAL, VYPEEN - 682 023.
- 3 V.V. SREEDHARAN
AGED 55 YEARS
S/O. VELU, VELIKKAKATHU VEEDU, MULLINAKAM
ROAD, VARAPPUZHA, PARAVUR - 682 023.
- 4 DEVAYANI
AGED 58 YEARS
W/O. RAMACHANDRAN, D/O. VELU,,
THERUVILAPARAMBILVEEDU, VADUTHALA DESOM,
CHERANALLORE VILLAGE, KANAYANNUR TALUK - 682
023.

- 5 K.SADASIVAN
AGED 40 YEARS
S/O.LATE KRISHNAN, VELIKKAKATHU
VEEDU,VADAKKUMPURATH, KOOTTUKAD DESOM,
PARAVURTALUK - 683 513.
- 6 BEENA
AGED 42 YEARS
D/O.KRISHNAN, CHERATTUPURAKKAL KORAMPADAM
KARA,KOTHAD, KADAMAKUDI VILLAGE, ERNAKULAM -682
027.
- 7 CHANDINI
AGED 45 YEARS
D/O.KRISHNAN, VILLUPARAMBU,
ANDIPILLIKAVU,MOOTHAKUNNAM P.O., MOOTHAKUNNAM
VILLAGE, PARAVURTALUK - 683 513.
- 8 RAGINI
AGED 47 YEARS
CHOOREPARAMBIL VEEDU, FRIENDS LANE, KACHIPPILLI
ROAD, VYTTLA, ERNAKULAM - 682 019.
- 9 RAMESH
AGED 18 YEARS
S/O.RAGINI, CHOOREPARAMBIL VEEDU, FRIENDS
LANE,KACHIPPILLI ROAD, VYTTLA, ERNAKULAM - 682
019.
- 10 REMYA
AGED 19 YEARS
D/O.RAGINI, CHOOREPARAMBIL VEEDU, FRIENDS
LANE,KACHIPPILLI ROAD, VYTTLA, ERNAKULAM - 682
019.
- 11 RADHA
AGED 73 YEARS
W/O.LATE PADMANABHAN, VELIKKAKATHU
HOUSE,NJARAKKAL P.O., NJARAKKAL
VILLAGE,ERNAKULAM - 682 505.

- 12 V.P.MOHANAN
AGED 49 YEARS
S/O.LATE PADMANABHAN, VELIKKAKATHU
HOUSE,KADAYIRUPPU P.O. (VIA)
KOLENCHERRY,AYKKARA NORTH VILLAGE,
KUNNATHUNADU,ERNAKULAM - 682 501.
- 13 V.P.MURALI
AGED 44 YEARS
S/O.LATE PADMANABHAN, VELIKKAKATHU
HOUSE,SRINGAPURAM, METHALA VILLAGE,
KODUNGALLURTALUK, THRISSUR - 680 006.
- 14 V.P.MANOJ
AGED 41 YEARS
S/O.LATE PADMANABHAN, VELIKKAKATHU
HOUSE,MINALOOR P.O., MUKUNDAPURAM TALUK,
THRISSUR680 006.
- 15 V.P.MAHESH
AGED 38 YEARS
S/O.LATE PADMANABHAN, C/O.P.V.VISWAN,
POROOKUDYHOUSE, MELOOR P.O., MUKUNDAPURAM
TALUK, THRISSUR680 006.
- 16 V.P.MAYA
AGED 46 YEARS
D/O.LATE PADMANABHAN AND
W/O.VIJAYAN,THUMBASSERRY HOUSE, KUZHUR
P.O.,KAKKULISSERY VILLAGE, MUKUNDAPURAM
TALUK,THRISSUR - 680 006.

BY ADVS.

M.S.UNNIKRISHNAN FOR R1

K.SUNIL(K/1052/2010) FOR R1

ALEENA MARIA JOSE(K/000520/2017) FOR R1

DIYA MERIN BIJU(K/001085/2023) FOR R1

M.ARDRA KRISHNAN(K/000990/2017) FOR R1

THIS REGULAR SECOND APPEAL HAVING COME UP FOR
ORDERS ON 09.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 9th day of January, 2024

This Regular Second Appeal has been filed under Section 100 and Order XLII Rule 1 of the Code of Civil Procedure, assailing decree and judgment dated 14.02.2014 in A.S.No.410/2009 on the files of District Court, Ernakulam and also against the judgment and decree in O.S.No.610/2008 on the files of the Additional Sub Court-II, Ernakulam dated 27.10.2009.

2. In this matter, paper publication ordered against respondent Nos.5 and 13 not effected. The learned counsel for the appellant would submit that she sent a registered notice to the appellants and the result is awaiting. Since there is non-compliance of the order issued by this Court, this regular second appeal cannot be proceeded with. Therefore, this regular second appeal stands dismissed for non-prosecution.

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**

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