

IN THE COURT OF THE DISTRICT JUDGE, ALAPPUZHA

Present: Sri. P. Somarajan, B.Sc. LL.B, District Judge

Friday the 15<sup>th</sup> June, 2012/25<sup>th</sup> Jyaishta, 1934

A. S. No. 74/2009 (Filed on 7-8-2009)  
(OS. No.510/2007 of the Sub Court, Alappuzha)

Appellant: Ponnappan, S/o.Vainatheyan, residing at Veliyil house,  
Pathirapally muri, -do- village, Ambalappuzha Taluk,  
Alappuzha.

By Adv.Sri.M.Chandrasekharan Nair.

Respondent: Mr. Viswambharan, residing at Veliyil House,  
Pathirappally muri, -do- village, Ambalappuzha Taluk,  
Alappuzha District.

By Adv.Sri.A.Francis Mangalath

This appeal having been heard on 12-6-12 and the court on 15-6-12 delivered the following:

**A.S.No. 74/2009**  
**J U D G M E N T**

Appeal against the decree and judgment dated 8.4.2009 in O.S.No.510/07 of the Sub Court,. Alappuzha by the first defendant. The second defendant is not made as party to the appeal and hence in so far as the second defendant is concerned the decree and judgment of the lower court became final and conclusive as no appeal was preferred by the second defendant. The contention raised by the defendants 1 and 2 are same based on a contract for sale and as such the decree and judgment against second defendant which has become final and conclusive, would operate against the first defendant, who is the appellant herein by virtue of principle of Res judicata as embodied under Section 11 CPC and hence the appeal is not maintainable and liable to be dismissed and I am doing so.

In the result, the appeal dismissed, but without cost.

Dictated to the Con.Asst., transcribed and typed by her, corrected by me and pronounced in open court on this the 15<sup>th</sup> day of June, 2012.

Sd/-  
**P.SOMARAJAN**  
**District Judge.**

Appendix : Nil

Id/-  
District Judge

Tyd by:  
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