



RSA NO. 195 OF 2011

1

2024:KER:92061

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

THURSDAY, THE 5TH DAY OF DECEMBER 2024 / 14TH AGRAHAYANA, 1946

RSA NO. 195 OF 2011

AGAINST THE JUDGMENT DATED 28.01.2010 IN AS NO.106 OF 2005 OF

III ADDITIONAL SUB COURT, KOZHIKODE

ARISING OUT OF THE JUDGMENT DATED 16.06.2005 IN OS NO.396 OF 1986

OF ADDITIONAL MUNSIF COURT -I, KOZHIKODE

APPELLANTS/RESPONDENTS 1 & 2/DEFENDANTS 1 & 2:

- 1 MARIAMBI,
AGED 70, D/O. ABDURAHIMAN HAJI, VATTAMPURATH PARAMBIL,
NALAKAM PARAMBIL, NAGARAM AMSOM, KOZHIKODE TALUK.
- 2 SISTER AMINABI AGED 65 YEARS
DAUGHTER OF VATTAMPURATH PARAMBIL, NALAKAM PARAMBIL, NAGARAM
AMSOM, KOZHIKODE TALUK.

BY ADV A.BALAGOPALAN

K. SANEESH KUMAR

RESPONDENTS/APPELLANTS 2 TO 7 AND RESPONDENTS 3 TO 9/PLAINTIFFS 2 &

DEFENDANTS 3 & 4:

- 1 M.P.K.VELAYUDHAN,
(DIED)



2024:KER:92061

- 2 MAMBARAMBATH RADHA, WIFE OF VELAYUDHAN
AGED 71 YEARS, SWASTHAM, NAGARAM AMSOM DESOM, KOZHIKODE
TALUK, KOZHIKODE DISTRICT.683 339
- 3 BABY PRASANNA, AGED 65
D/O. VELAYUDHAN, HOUSE WIFE, PRASANNA, V.K.K.MENON ROAD,
PANNIYAMKARA AMSOM AND DESOM OF KOZHIKODE TALUK.683 339
- 4 MRUDHULA KUMARI, AGED 60
D/O. VELAYUDHAN, PRASANNA, V.K.K.MENON ROAD, PANNIYAMKARA
AMSOM AND DESOM OF KOZHIKODE TALUK.683 339
- 5 BABU SHIVAPRASAD, AGED 60
BUSINESS, S/O. VELAYUDHAN PRASANNA,V.K.K.MENON ROAD,
PANNIYAMKARA AMSOM AND DESOM OF KOZHIKODE TALUK-683 339
- 6 M.SABU HARITHARADAS, AGED 50
BUSINESS, PRASANNA,V.K.K.MENON ROAD, PANNIYAMKARA AMSOM AND
DESOM OF KOZHIKODE TALUK.683 339
- 7 M.GEREESH SAHAYI, AGED 37
BUSINESS, PRASANNA,V.K.K.MENON ROAD, PANNIYAMKARA AMSOM
KOZHIKODE TALUK - 683 339
- 8 B.K.ABOOBACKER KOYA, AGED 72 YEARS
SON OF MOIDEEN KUNHI, VELLAYIL, NALAKAM PARAMBIL, NAGARAM
AMSOM DESOM OF KOZHIKODE TALUK.683 339
- 9 THACHATT SREEMATHI (DIED)
- 10 PREMALATHA, D/O. LATE SREEMATHI
AGED 60, SREEKRIPA, KOLANGARADATHAPRAMBA, CHELAVOOR AMSOM
KOZHIKODE.683 339
- 11 VILASNI, AGED 55
D/O. LATE SREEMATHI,SREEKRIPA,
KOLANGARADATHAPRAMBA,CHELAVOOR AMSOM,KOZHIKODE 683 339
- 12 RAMANI, AGED 50
D/O. LATE SREEMATHI, SREEKRIPA,
KOLANGARADATHAPRAMBA,CHELAVOOR AMSOM,KOZHIKODE 683 339



RSA NO. 195 OF 2011

3

2024:KER:92061

- 13 BABY GIRIJA, AGED 47
 D/O. LATE SREEMATHI, SREEKRIPA,
 KOLANGARADATHAPRAMBA, CHELAVOOR AMSOM, KOZHIKODE 683 339
- 14 SATHEEDEVI, AGED 45
 D/O. LATE SREEMATHI, SREEKRIPA,
 KOLANGARADATHAPRAMBA, CHELAVOOR AMSOM, KOZHIKODE 683 339

R2 TO R7 BY ADVS.
 T.SETHUMADHAVAN (SR.)
 K.JAYESH MOHANKUMAR
 PUSHPARAJAN KODOTH

THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
05.12.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

On 20.01.2023 it was reported by the learned counsel for the appellants that one of the appellants died and this Court directed to file a memo in that regard and to take steps, if any, against the legal heirs of respondent No.8. It is also directed to take steps against respondent Nos.10, 12, and 13. Thereafter, when this matter came up before this Court on 21.11.2024 again, the appellant was directed to take steps to respondent Nos.10, 12, and 13 and also to take steps to implead the legal representatives of respondent No.8 and also to take steps to implead legal representative of the deceased appellant. In spite of the above two orders, no steps are taken by the appellant. Accordingly, the Appeal is dismissed for default.

Sd/-

M.A.ABDUL HAKHIM

JUDGE

Shg/-