

IN THE HIGH COURT OF KERALA AT ERNAKULAM
Present:
THE HONOURABLE MR.JUSTICE N.ANIL KUMAR
Friday,the 26th day of February 2021/7th Phalguna, 1942
I.A.No.1/2020 in RSA No.685/2020

AS No.102/2014 of the ADDITIONAL DISTRICT COURT-I, MAVELIKKARA
OS No.86/2007 of the SUB COURT, MAVELIKKARA

APPELLANT/PETITIONER:

SUBHADRAMMA,AGED 85,
D/O.JANAKIAMMA, PARANGAMOTIL HOUSE, KANDALLOOR VILLAGE,
KARTHIKAPPILLI TALUK, ALAPPUZHA DISTRICT-690531.

RESPONDENTS/RESPONDENTS:

1. THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, ALAPUZZHA P.O., ALAPUZZHA
DISTRICT-688001.
2. THE STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, OFFICE OF THE DISTRICT
COLLECTOR, ALAPUZZHA P.O.,
ALAPUZZHA DISTRICT-688001.
3. G.SANKARA PILLAI,AGED 75,
S/O.GOVINDHA PILLAI, KUZHUVELIL-KALECKEL VEEDU, KIZHAKEMURI,
THAMARAKULAM VILLAGE,
KARTHIKAPPILLI TALUK, ALAPPUZZHA DISTRICT-690 531.
4. K.V.JAYAKUMARA PILLA,
PUTHEN VEETIL KIZHAKETHIL, PORUVAZHY NORTH, CHATHAKULAM P.O.,
KUNNATHOOR TALUK, ALAPUZZHA DISTRICT-690520.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to pass an interim order staying the operation of the judgment and decree in AS.No.102 of 2014 dated 12.08.2020 on the file of the Addl.District Court-1, Mavelikkara pending consideration of the above appeal in the interest of justice.

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of SRI G.SREEKUMAR /CHELUR) Advocate for the petitioner and of GOVERNMENT PLEADER for R1 and R2 and M/S C.HARIKUMAR, ANAND GOKULDAS, RENJITH RAJAPPAN, Advocates for the respondent 3, the court passed the following:

N. ANIL KUMAR, J.

R.S.A. No.685 of 2020

Dated this the 26th day of February, 2021

ORDER

Heard the learned counsel for the appellant, the learned Government Pleader for respondents 1 and 2 and the learned counsel for the 3rd respondent.

The RSA is admitted on the following substantial questions of law.

- (1) Is it justified on the part of the first Appellate Court to decide the appeal in an isolated manner on the question of limitation alone, when the trial court has decided several issues and was it not for the first Appellate Court to decide the case on all points in view of the mandate contained under Order XLI Rule 31 of the Code of Civil Procedure?
2. Is it not a mistake glaring in nature committed by the first Appellate Court in stating that the suit is barred by limitation in view of the finding of the Kerala Lok Ayukta to file a suit to protect the possession and right of the plaintiff?
3. Whether the first Appellate Court decided the question of limitation without considering the proof regarding disputed Will?

Issue notice to the 4th respondent.

Call for records.

I.A.No. 1/2020

Both the appellant and respondents are directed to maintain status quo as on today for a period of four months.

Post on 26.03.2020.

**N. ANIL KUMAR,
JUDGE**

Sd/-

kkj

/true copy/

Sd/-
ASSISTANT REGISTRAR