



RFA NO. 524 OF 2019

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2025:KER:30874

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

RFA NO. 524 OF 2019

AGAINST THE JUDGMENT AND DECREE DATED 27.03.2019 IN OS
NO.1175 OF 2009 OF PRINCIPAL SUB COURT, THIRUVANANTHAPURAM

APPELLANTS:

- 1 JOLLY ASHOK
AGED 62 YEARS
W/O. LATE M. ASHOK, GURU, ELAMKULAM LANE, CHERUVAKKAL
VILLAGE, SREEKARYAM, THIRUVANANTHAPURAM PIN CODE 695
017
- 2 PONNI MAHESH,
AGED 39 YEARS
D/O. JOLLY AHOK, GURU, ELAMKULAM LANE, CHIRUVAKKAL
VILLAGE, SREEKARYAM, THIRUVANANTHAPURAM PIN CODE 695
017

BY ADVS.
SUMAN CHAKRAVARTHY
K.R.RIJA(R-781)
BREJITHA UNNIKRISHNAN(K/826/2007)
SUDEESH K.E.(K/1950/2023)

RESPONDENT:

SURAJ VASUDEV
AGED 67 YEARS
S/O. VASUDEV, KRISHNA, T.C NO. 42/940, ASAN NAGAR,
VALLAKKADAVU P.O, THIRUVANANTHAPURAM PIN CODE 695 008

BY ADV SRI.VPK.PANICKER

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



A. BADHARUDEEN, J

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R.F.A. No. 524 of 2019

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Dated 08th day of April 2025

JUDGMENT

This regular first appeal has been filed under Section 96 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908, challenging the decree and judgment dated 27.03.2019 in O.S. No. 1175 of 2009 on the files of the Principal Sub Court, Thiruvananthapuram.

2. In this matter, the learned counsel for the appellants would submit that the amount has been deposited before the trial court in full satisfaction of the decree. The learned counsel for the plaintiff concedes the deposit.



3. Since the amount has been deposited, the regular first appeal has become infructuous. Accordingly, the regular second appeal is dismissed as infructuous.

It is specifically ordered that the amount deposited shall be returned to the plaintiff without any delay, at any rate, within a period of six weeks from today on getting an application in this regard.

Sd/-

A. BADHARUDEEN
JUDGE

RMV