



RFA NO. 46 OF 2024

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2025:KER:20685

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

WEDNESDAY, THE 5TH DAY OF MARCH 2025 / 14TH PHALGUNA, 1946

RFA NO. 46 OF 2024

JUDGMENT DATED 28.10.2023 IN OS NO.159 OF 2014 OF ASSISTANT
SESSIONS COURT/PRINCIPAL SUB COURT / COMMERCIAL COURT, THRISSUR
APPELLANT/DEFENDANT:

SEBASTIAN

AGED 64 YEARS

S/O CHAZHOOR THATTUPARAMBIL OUSEPH, KOTTEKKAD DESOM,
KUTTOOR VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT, PIN
- 680013

BY ADVS.

VINOD MADHAVAN

M.V.BOSE

NISHA BOSE

SANIYA C.V.

RESPONDENT/PLAINTIFF:

JOSE

AGED 70 YEARS

S/O KARATHARAKKARAN CHAKKU, ALOOR VILLAGE, DESOM,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT,, PIN - 680661

BY ADV Dilip J. Akkara

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
05.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



A. BADHARUDEEN, J

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R.F.A. No. 46 of 2024

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Dated 05th day of March, 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 28.10.2023 in O.S. No.159 of 2014 on the files of the Principal Sub Judge, Thrissur.

2. In this matter C.M.C.P. No.1 of 2024 dismissed and it was ordered in RFA as under:-

“Since C.M.C.P.No.1 of 2024 is dismissed, the petitioner in C.M.C.P.No.1 of 2024 is directed to pay the court fee on or before 4.3.2025 to continue the appeal. On failure to pay the same on or before 4.3.2025, the appeal will stand dismissed”

3. In view of the direction issued by this court, court fee was not paid and instead the petitioner filed I.A.No. 2 of 2025 seeking extension of time.



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4. Since the order passed is a speaking one holding that on failure to pay the court fee on or before 04.03.2025, the appeal stood dismissed in view of failure to pay the court fee. Therefore, I.A.No.2 of 2025 is dismissed. Consequently, the appeal stands rejected for non-payment of court fee.

All interlocutory applications pending in this appeal are dismissed and the Interim order stands vacated.

Registry is directed to forward a copy of this judgment to the trial court forthwith.

Sd/-

A. BADHARUDEEN

JUDGE

RMV