IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 8TH DAY OF JANUARY 2024 / 18TH POUSHA, 1945

RSA NO. 327 OF 2020

AGAINST THE DECREE AND JUDGMENT DATED 07.11.2018 IN A.S.NO.5 OF 2017 ON THE FILES OF THE COURT OF THE SUBORDINATE JUDGE, PERUMBAVOOR AROSE FROM THE DECREE AND JUDGMENT DATED 30.11.2016 IN O.S.NO.59/2015 ON THE FILES OF THE MUNSIFF COURT, KOLENCHERY

APPELLANT/APPELLANT/DEFENDANT:

MOHANAN
S/O.ITTYATHI, AGED 51 YEARS, KUTTA KARA, PUTHENCRUZ, VADAVUCODE.P.O, PUTHENCRUZ, ERNAKULAM, PIN-682310
BY ADV SHIJU VARGHESE

RESPONDENT/RESPONDENT/PLAINTIFF:

V.V.LILLY
W/O.MANI, AGED ABOUT 51 YEARS, CHERUVYPPIN HOUSE, KODUMPUR, THIRUVANIYOOR, KOKAPPILLY POST, PUTHENCRUZ, ERNAKULAM, PIN-682310
BY ADV SRI.PAUL K.VARGHESE

THIS REGULAR SECOND APPEAL HAVING COME UP FOR HEARING ON 08.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 8th day of January, 2024

This regular second appeal has been filed under order XLII Rule 1 read with Section 100 of the Code of Civil Procedure challenging the decree and judgment in A.S. No.5 of 2017 dated 07.11.2018 on the files of the Court of the Subordinate Judge, Perumbavoor arose from the decree and judgment in O.S. No.59 of 2015 dated 30.11.2016 on the files of the Munsiff Court, Kolenchery.

2. No representation for the appellant.

3. The learned counsel for the respondent insisted for emergent hearing of this matter.

4. Since the learned counsel for the appellant is not intended to proceed with the matter, this regular second appeal stands dismissed for default.

5. This appeal has been filed as an indigent person vide CMCP No.22/2020, allowed by this Court. Since, this appeal has been dismissed, the appellant is bound to pay court fee.

6. Therefore, Registry is directed to forward a copy

of this judgment and decree to the District Collector concerned for realization of the court fee to be paid in this appeal from the appellant, in accordance with law.

All interlocutory applications also stand dismissed and the interim stay, if any, in executing the decree shall stands vacated.

Sd/-

A. BADHARUDEEN
JUDGE

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