

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

WEDNESDAY, THE 25TH DAY OF OCTOBER 2023 / 3RD KARTHIKA, 1945

RFA NO. 181 OF 2023

AGAINST THE DECREE AND JUDGMENT DATED 27.02.2023 IN OS

368/2009 OF MUNSIF COURT, CHITTUR

APPELLANTS - DEFENDANTS IN OS:

- 1 DWARASWAMY
AGED 72 YEARS
S/O PAZHANI KOUNDER KARADIPPARA, KUNNAMKATTUPATHY
VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT, PIN -
678101
- 2 SAKTHIVEL
AGED 49 YEARS
S/O DWARASWAMY, KARADIPPARA, KUNNAMKATTUPATHY
VILLAGE CHITTUR TALUK PALAKKAD DISTRICT, PIN -
678101
BY ADVS.
MANU VYASAN PETER
P.B.KRISHNAN
P.B.SUBRAMANYAN
SABU GEORGE
B.ANUSREE
MEERA P.
CHITHIRA VENUGOPAL

RESPONDENT/ PLAINTIFF IN OS:

MANI
AGED 62 YEARS
S/O VELUCHAMI KOUNDER, KARADIPPARA,
KUNNAMKATTUPATHY VILLAGE, CHITTUR TALUK PALAKKAD
DISTRICT, PIN - 678101
BY ADVS.
P.R.VENKATESH
LAKSHMI MEENAKSHI P.R.(K/003518/2022)

RFA.No.181 of 2023

-: 2 :-

THIS REGULAR FIRST APPEAL HAVING COME UP FOR
ADMISSION ON 25.10.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

Sathish Ninan, J.

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RFA.No.181 of 2023

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Dated this the 25th day of October, 2023

JUDGMENT

The First Appeal preferred against the decree and judgment of the Munsiff's Court, Chittur was returned by the District Court for want of pecuniary jurisdiction.

2. It appears that the original valuation of the suit was later amended whereby it went beyond the pecuniary jurisdiction of the Munsiff's Court. However, since no objection regarding jurisdiction was raised, it appears that the parties went for trial and a decree was passed.

3. Section 13 of the Kerala Civil Courts Act, 1957 provides that appeals from decrees of a Munsiff's Court lie to the District Court. Since the decree in question is one passed by the

Munsiff's Court, appeal lies before the District Court.

4. Resultantly it is ordered that, if the memorandum of appeal originally filed by the appellants before the District Court on 07/07/2023 is re-presented before the District Court, the same shall be taken to file treating the date of filing as 07/07/2023.

To enable the above, the Registry is directed to return the original memorandum of Appeal Suit filed before the District Court, Palakkad to the counsel for the appellants.

Sd/-
Sathish Ninan, Judge

