

(2023) 03 KL CK 0084

In the High Court Of Kerala

Case No : Regular First Appeal(Miscellaneous) No.3 Of 2022

P.T.Manuel

APPELLANT

Vs

P.M.Manuel

RESPONDENT

Date of Decision : 08-03-2023

Acts Referred:

Code of Civil Procedure, 1908 — Section 96, Order 41 Rule 1

Citation : (2023) 03 KL CK 0084

Hon'ble Judges : Anil K. Narendran, J;P.G. Ajithkumar, J

Bench : Division Bench

Advocate : P.B.Krishnan, P.B.Subramanyan, Sabu George, Manu Vyasam Peter, Jomon J. Maliekal, Peeyus A. Kottam

Final Decision : Dismissed

Judgement

P.G. Ajithkumar, J

1. The plaintiff in O.S.No.78 of 2022 on the files of the Additional Sub Court-I, Thrissur has filed this appeal. The suit was filed for recovery of money from respondent No.11 to 16. The immovable property was attached as per the order in I.A.No.3 of 2022. Respondent Nos.1 to 10 filed I.A.No.5 of 2022 seeking to lift the attachment claiming that respondent Nos.11 to 16 have no right in the property. The Additional Sub Court allowed I.A.No.5 of 2022 and lifted the attachment. This appeal under Section 96 read with Order XLI, Rule 1 of the Code of Civil Procedure, 1908 is filed challenging the order dated 08.04.2022 in I.A.No.5 of 2022.

2. This appeal was admitted on 08.07.2022. Respondents entered appearance pursuant to notice.

3. When this matter came up for consideration today, the learned counsel appearing for the appellant would submit that this appeal may be dismissed without prejudice to the right of the appellant to challenge the order dated 08.04.2022 in I.A.No.5 of 2022 in I.A.No.3 of 2022 in O.S.No.78 of 2022 in

appropriate proceedings.

Considering the above submission, this appeal is dismissed without prejudice to the aforesaid right of the appellant.