

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE EASWARAN S.

Friday, the 11th day of July 2025 / 20th Ashadha, 1947

RSA NO. 436 OF 2018

**OS 231/2009 OF III ADDITIONAL SUB COURT, KOZHIKODE
AS 194/2016 OF ADDITIONAL DISTRICT COURT-IV, KOZHIKODE**

APPELLANTS/PLAINTIFFS:

1. N.P.RAJANI, AGED 60 YEARS, D/O. CHANDU, 'JANU PRABHA', VALAYANAD AMSOM DESOM, NAGERI ILLAM PARAMBA, P.O.KOMMERI, KOZHIKODE - 673 007.
2. N.P. RAMANI, AGED 58 YEARS, D/O. CHANDU, ABHILASH, KARIPPALA VAYAL, KARUVISSERY P.O., VENGARI AMSOM, KARUVISSERY DESOM, KOZHIKODE - 673 010.
3. N.P. RAJESWARI, (DIED) (LEGAL HEIRS IMPEADED) AGED 53 YEARS, D/O. CHANDU, SREYAS, KUDILIL HOUSE, MAKKADA AMSOM DESOM, P.O.MAKKADA, CHERUKULAM, KOZHIKODE - 673 611.
4. N.P. RATHIBHA, AGED 48 YEARS, BABITHA NIVAS, S/O. CHANDU, KELACHOTH PARAMBA, THADAMBATTUTHAZHAM, P.O. KARAPARAMBA, NEDUNGOTTUR AMSOM, VENGARI DESOM, KOZHIKODE - 673 010.
5. ADDL.SRUTHI K., AGED 29 YEARS, D/O.SUGUNAN K., SREE SREYAS, CHERUKULAM, MAKKADA KAKKODI, KIZHAKKUMURI, KOZHIKODE-673 611.
6. ADDL.SREYAS K., AGED 29 YEARS, S/O.SUGUNAN K., SREYAS KUDILIL, CHERUKULAM, MAKKADA KAKKODI, KIZHAKKUMURI, KOZHIKODE-673 611.
7. ADDL.NEDHIK V., AGED 8 YEARS (MINOR), REPRESENTED BY HIS FATHER, NITHISH V., S/O.V.SADASIVAN, MAYANPALLI, PARAMBA, KALAI P.O., PANNIYANKARA, KOZHIKODE-673 003.
8. ADDL.SUGUNAN K., AGED 64 YEARS, SREE SREYAS, CHERUKULAM, MAKKADA KAKKODI, KIZHAKKUMURI, KOZHIKODE-673 611. (LEGAL HEIRS OF DECEASED 3RD APPELLANT ARE IMPEADED AS ADDITIONAL APPELLANTS 5 TO 8 AS PER ORDER DATED 26.10.2022 IN IA.1/2020.)

BY ADVS.SRI.NIRMAL. S, SMT.VEENA HARI

RESPONDENTS/DEFENDANTS:

1. RADHA NAMBIDI PARAMBATH, AGED 73 YEARS, W/O. CHANDU, MAKKADA AMSOM DESOM, KOZHIKODE TALUK, PIN - 673 001.
2. N.P. PRABEESH, AGED 46 YEARS, S/O.CHANDU, MAKKADA AMSOM DESOM, KOZHIKODE TALUK, PIN - 673 001.

BY M/S SHYAM PADMAN, C.M.ANDREWS, BOBY M.SEKHAR, LAYA MARY JOSEPH and IRENE PARAMEL, Advocates for the Respondents

**BY.SHRI.P.T.MOHANKUMAR, Advocate ROR R2
SHRI.P.B.KRISHNAN(Sr.), AMICUS CURIAE**

This Regular second appeal again having come up for orders

on 11.07.2025, and upon perusing this Court's judgment dated 07.07.2025 , the court on the same day passed the following:

P.T.O.



RSA 436/2018

1

EASWARAN S., J.

R.S.A. No.436 of 2018

Dated this the 11th day of July, 2025

ORDER

Spoke.

On 7.7.2025, this Court delivered Judgment in this second appeal holding that the provisions of Sections 3 and 4 of the Kerala Joint Hindu Family System (Abolition) Act, 1975 [Act 30 of 1976] are inconsistent with Section 6 of the Hindu Succession (Amendment) Act, 2005. While considering the issue, this Court mainly dealt with the case governed by Mitakshara Law. However, it is noticed that in the concluding part, it was mentioned that the provisions of Section 3 read with Section 4 of the Act 30 of 1976 are in direct conflict with Section 6 of the Hindu Succession (Amendment) Act, 2005. It is therefore felt that the concluding portion may create inconsistency with the discussions made by this Court. The question of repugnancy was considered so far as it relates to parties governed by Mitakshara Law alone and as regards Section 3 read with Section 4(1) of the Act 30 of 1976 read with the Hindu Succession (Amendment) Act, 2005. Therefore, it is felt necessary to correct the Judgment dated 7.7.2025 in RSA No.436/2018 in order to obtain clarity.

RSA 436/2018

2

Hence, it is ordered that the Judgment dated 7.7.2025 in RSA No.436/2018 rendered by this Court shall be confined to cases coming under the Mitakshara Law alone. The word and figure “Section 4” occurring in the first line of conclusion (a) under paragraph No.61 at page 82 of the judgment is corrected and read as “**Section 4(1)**”.

Registry is directed to carry out the aforesaid correction in the judgment dated 7.7.2025 in RSA No.436/2018.

jg



Sd/-
EASWARAN S.
JUDGE

