

(1960) 01 KL CK 0063

High Court Of Kerala

Case No: A. S. 863 of 1959

Subramanian Namboodiri

APPELLANT

Vs

Purushothaman Namboodiri

RESPONDENT

Date of Decision: Jan. 11, 1960

Citation: (1960) KLJ 615

Hon'ble Judges: K. Sankaran, C.J; T.C. Raghavan, J

Bench: Division Bench

Advocate: N.D.P. Namboodiripad, for the Appellant; T. Chandrasekhara Menon, for the Respondent

Final Decision: Allowed

Judgement

Sankaran, C.J.

The costs awarded by the preliminary decree have no connection whatever with the redemption of the mortgage involved in the suit. By the decree, provision has been made as to the price of redemption to be deposited by either party who may seek redemption of his share of the property. The price for redemption of that share can include only the proportionate mortgage amount and value of improvements, if any, and it cannot include the costs awarded by the decree. The lower court was wrong in directing deposit of such costs also as a condition precedent to the redemption.

In the result this appeal is allowed with costs and the lower court's direction regarding deposit of costs also is set aside.