
Subramanian Namboodiri Vs Purushothaman Namboodiri

A. S. 863 of 1959

Court: High Court Of Kerala

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.