IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

CRP.No.158 of 2011

(Against the common order passed by the Appellate Authority (LR), Alappuzha in A.A.145/2000 and A.A.149/2000 dtd.10.2.11 setting aside the orders in O.A.121/21 of Land Tribunal Ernakulam dtd.6.10.98)

REVISION PETITIONERS/RESPONDENT/ADDITIONAL RESPONDENTS IN the APPEAL/APPLICANT:

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1. KANDAN KANDAN, PUTHENVEETTIL THUNDIYIL, KUNDANNOOR, MARADU VILLAGE KANAYANNUR TALUK, (ORIGINAL APPLICANT/RESPONDENT -DIED DURING THE PENDANCY OF APPEAL).

2. INNAMMA, W/O.LATE KANDAN, PUTHENVEETTIL THUNDIYIL, KUNDANNOOR DESOM, MARADU VILLAGE, KANAYANNUR TALUK (ADDL.RESPONDENT IMPLEADED IN THE APPEAL-DIED DURING THE PENDANCY OF APPEAL).

3. VIJAYAN, S/O.LATE KANDAN, PUTHENVEETTIL THUNDIYIL, KUNDANNOOR DESOM MARADU VILLAGE, KANAYANNUR TALUK.

4. THANKAPPAN, S/O.LATE KANDAN, PUTHENVEETTIL THUNDIYIL, KUNDANNOOR DESOM MARADU VILLAGE, KANAYANNUR TALUK.

5. SOBHANAN, S/O.LATE KANDAN, PUTHENVEETTIL THUNDIYIL, KUNDANNOOR DESOM MARADU VILLAGE, KANAYANNUR TALUK.

6. ASHOKAN, S/O.LATE KANDAN, PUTHENVEETTIL THUNDIYIL, KUNDANNOOR DESOM, MARADU VILLAGE, KANAYANNUR TALUK.

7. SUDHAKARAN, H/O.LATE SARASU WHO WAS DAUGHTER OF LATE KANDAN MADATHIPARAMBIL VEEDU, H.NO.101/15, MANJUMMAL ELOOR, ERNAKULAM DISTRICT (ADDL.RESPONDENT IMPLEADED IN THE APPEAL-DIED DURING THE PENDANCY OF APPEAL).

8. ANILKUMAR, S/O.SUDHAKARAN AND LATE SARASU, MADATHIPARAMBIL VEEDU, H.NO.101/15 MANJUMMAL, ELOOR, ERNAKULAM DISTRICT.

9. GIGI, D/O.SUDHAKARAN AND LATE SARASU, MADATHIPARAMBIL VEEDU, H.NO.101/15, MANJUMMAL ELOOR, ERNAKULAM DISTRICT.

10. DHINY, D/O.SUDHAKARAN AND LATE SARASU, MADATHIPARAMBIL VEEDU, H.NO.101/15 MANJUMMAL, ELOOR, ERNAKULAM DISTRICT.

BY ADVS.SRI.M.M.MONAYE
SRI.M.PAUL VARGHESE

RESPONDENTS/APPELLANTS AND RESPONDENTS 2 & 3 IN A.A.145/00 AND STATE:
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1. SAUDAMINI AMMA, W/O.SREEDHARA MENON AND D/O.MOOKAMI AMMA, KADEKKUZHI HOUSE, KUNDANNOOR, MARADU-682 304.

2. PRASAD, S/O.SUSEELA AMMA, RESIDING AT KADEKKUZHI HOUSE, KUNDANNOOR, MARADU VILLAGE, KANAYANNUR TALUK.

3. N.P.JOSEPH, NEDUMPARAMBIL HOUSE, NEAR MUSLIM CHURCH, MARADU SOUTH MARADU P.O., ERNAKULAM.

4. N.P.GEORGE, NEDUMPARAMBIL HOUSE, NEAR MUSLIM CHURCH, MARADU SOUTH, MARADU P.O., ERNAKULAM.

5. STATE OF KERALA REPRESENTED BY THE GOVERNMENT PLEADER, HIGH COURT OF KERALA ERNAKULAM.

R1-R2 BY ADV. SRI.A.BALAGOPALAN
R1-R2 BY ADV. SRI.A.RAJAGOPALAN
R1-R2 BY ADV. SRI.M.N.MANMADAN
R3 & R4 BY ADV. SRI.C.P.SAJI
R3 & R4 BY ADV. SRI.T.A.THOMAS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.BHAVADASAN, J.

Civil Revision Petition No.158 OF 2011

Dated this the 10th day of April, 2015.

O R D E R

Fortunately for this Court, mediation worked out and the parties have entered into a compromise and the settlement agreement is produced before this Court. It is prayed that an order may be passed in terms of the compromise entered into between the parties.

2. After having gone through the settlement entered into between the parties, this Court finds nothing illegal in the same and there is no reason as to why it should not be accepted.

3. The impugned order is set aside and an order is passed in terms of the settlement agreement as follows:

> "1. The Revision Petitioners agree to confine the claim of Kudikidappu right over the property as claimed in O.A.121/1992 before the Land Tribunal, Ernakulam, from which the above CRP arose, to an extent of 3.44 Ares (8.500 cents) in Resurvey No.207/4

Block 13 (old survey No.522/3) and 558) of Maradu Village, for which the respondents 1 & 2 agree. The sketch showing the details of the property is attached herewith. The above mentioned extent of 3.44 Ares of land will be allotted as Kudikidappu to the Revision Petitioners.

2. The Respondents as well as the Revision Petitioners 8 to 10 agree that in the light of the terms of settlement the Kudikidappu Purchase Certificate may be issued to the Revision Petitioners 3, 4, 5 & 6 herein from the Land Tribunal Ernakulam in respect of the property of 3.44 Ares (8.500 cents) in Resurvey No.207/4 Block 13 (old survey No.522/3 and 558) of Maradu Village, which is specifically shown as 'A' in the sketch attached herewith.

3. Since the market value of the land in the concerned locality has shooted up unproportionately, the Revision Petitioners herein have agreed to pay adequate compensation to the respondents 3 & 4 herein and the cheque for the agreed amount will be issued by one of the Revision Petitioners on behalf of

all the Revision Petitioners, to the respondents 3 & 4.

4. The respondent Nos.3 & 4, N.P.Joseph and N.P. George respectively, agree not to raise any claim in future over any of the portion of the property owned by the respondents 1 & 2, so far as the above case is concerned.

5. The Revision Petitioners and Respondents agree to have the above Civil Revision Petition decreed in terms of this settlement arrived at".

The mediation report and the sketch shall form part of this order. It is directed that the Land Tribunal concerned shall issue Purchase Certificate in terms of the order passed by this Court within a period of one month from the date of production of a copy of this order before the Land Tribunal.

Sd/-

P.BHAVADASAN
JUDGE

smp

// True Copy //

P.A. To Judge.