

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

RFA.No. 274 of 2005 ()

AGAINST THE ORDER/JUDGMENT IN OS 47/2001 of SUB COURT, OTTAPPALAM
DATED 10-12-2004

APPELLANTS/PLAINTIFFS:

1. SANTHA ANTHERJANAM AGED 51 YEARS
W/O.K.P.VASUDEVAN NAMBOODIRIPAD, KIDANGASSERIL
THARANELLUR MANA, IRINJALAKUDA P.O.
MANAVALSSERY VILLAGE, MUKUNDAPURAM TALUK
THANISSERY DESOM, THRISSUR DISTRICT.

2. M.B.LEELA,A GED 46, W/O.P.C.KRISHNAN,
MUKTHY, MUSEUM ROAD, THRISSUR.

BY ADVS.SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN

RESPONDENT (S) /DEFENDANTS:

* 1. BHAVATHRATHAN NAMBOODIRIPAD AGED 76 YEARS (DIED)
S/O.NARAYANAN NAMBOODIRIPPAD, MUNDAYA MANA
THANIKKUNNU AMSOM, KODARMANNA DESOM
SREEKRISHNAPURAM VILLAGE, PUNCHAPPADAM P.O.
OTTAPPALAM TALUK.

2. M.M.LEELA ANTHERJANAM, AGED 73,
W/O.BHAVATHRATHAN NAMBOODIRIPPAD MUNDAYA MANA
THANIKKUNNU AMSOM, KODARMANNA DESOM,
SREEKRISHNAPURAM VILLAGE, PUNCHAPPADAM P.O.
OTTAPPALAM TALUK.

3. M.P.NARAYANAN, AGED 44,
S/O.BHAVATHRATHAN NAMBOODIRIPPAD MUNDAYA MANA
THANIKKUNNU AMSOM, KODARMANNA DESOM
SREEKRISHNAPURAM VILLAGE, PUNCHAPPADAM P.O.
OTTAPPALAM TALUK.

4. M.B.GOURI, AGED 40, W/O.M.D.SATHEESAN,
MARIYAMANGALATH MANA P.O. KANJOOR, ERNAKULAM DIST.

5. M.B.VINOD SANKAR, AGED 35, S/O.
MUNDAYAMANAKKAL BHAVATHRATHAN NAMBOODIRIPPA
THANIKKUNNU AMSOM, KODARMANNA DESOM
PUNCHAPPADAM P.O. OTTAPPALAM TALUK.

6. PALAKKAD DISTRICT CO-OEPRATIVE BANK,
REP. BY ITS GENERAL MANAGER, PALAKKAD DISTRICT
CO-OPERATIVE BANK, PALAKKAD.

7. THE SPECIAL SALE OFFICER, PALAKKAD
DISTRICT CO-OEPRATIVE BANK LTD, PALAKKAD, SUPPLE.

8. IBRAHIM AGED ABOUT 65,
S/O.MUHAMMED HAJI, THALIYATHODY VEEDU, KOZHOOR ROAD
OTTAPPALAM TALUK.

(* - IT IS RECORDED THAT the APPELLANTS AND RECONDENTS 3 TO 5 IN
the APPEAL ARE the LEGAL REPRESENTATIVES OF DECEASED RESPONDENTS
1 AND 2, VIDE ORDER DATED 01/06/2007 IN I.A.NO.1681/2007)

(# - RESPONDENTS 6 TO 8 ARE DELETED FROM THE PARTY ARRAY VIDE
ORDER IN I.A.NO.667 OF 2015 DATED 22.05.2015)

R2 TO R4 BY ADV. SRI.SHIBU JOSEPH
R6 BY ADV. SRI.T.C.SURESH MENON

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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R.F.A.No.274 of 2005 and I.A.No.19 of 2015

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Dated this the 22nd day of May, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J

Captioned I.A. is a compromise petition. Annexure-A1 to that petition is an agreement between appellant Nos.1 and 2 and respondent Nos.3, 4 and 5. That compromise is recorded and the appeal is decreed in terms of compromise in supersession of the decree of the trial court. Compromise so recorded along with the appendix will stand appended to this judgment. This judgment along with compromise petition will be treated as a decree for all intents and purposes. Drafting of separate decree is dispensed with.

Appeal ordered accordingly.

Sd/-

**THOTTATHIL B. RADHAKRISHNAN
Judge**

Sd/-
**SUNIL THOMAS
Judge**

Sbna