

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC  
&  
THE HONOURABLE SMT.JUSTICE P.V.ASHA

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

RFA.No. 655 of 2007

AGAINST THE JUDGMENT IN OS 152/2003 of II ADDL.SUB COURT, KOZHIKODE DATED 21-12-2006

APPELLANTS/1, 2 & 4TH DEFENDANTS:

1. M/S.AVAMA PORCELAINS, POST ATHINILAM, MEENANGADI  
REPRESENTED BY ITS MANAGING PARTNER.
2. RAMANI M.CHAVAN, S/O MADHAVAN NAIR,  
(AGE NOT KNOWN TO PLAINTIFF), RESIDING AT SRUTHI  
POST AVILA, KOYILANDY, KOYILANDY TALUK.  
*(Name of second appellant, Ramani M. Chavan in cause title of RFA 655/07 is corrected  
and amended as 'Ramani Madhavan' vide order dated 8.3.2017 in office notes.)*
3. PK.MADHAVAN NAIR, AGED ABOUT 56 YEARS, S/O NARAYANA KURUP  
RESIDING AT SRUTHI, POST AVALA, KOYILANDY TALUK.

BY ADVS.SMTPRABHA R.MENON  
SRI.M.KRISHNAKUMAR

RESPONDENTS/PLAINTIFF AND DEFENDANTS 3 & 5 TO 8:

1. M/S.VIJAYA PRAKASH INDUSTRIES  
POST KOLATHARE, KOZHIKODE-673655, REPRESENTED BY  
ITS PARTNER K.K.VIJAYAN, 46 YEARS, S/O K.K.AYYAPPAN  
RESIDING AT KANHOLI, KUTTIKALATHIL, POST KOLATHARA  
CHERUVANUR AMSOM, DESOM, KOZHIKODE TALUK.
2. K.K.DAMODARAN NAIR, (AGE NOT KNOWN TO PLAINTIFF),  
S/O NARAYANA KURUP, RESIDING AT SRI. SHANTI,  
POST SIDDHA SAMAJAM, VATAKARA, VATAKARA TALUK.
3. M.KUNHIRAMAN NAMBIAR, (AGE NOT KNOWN TO PLAINTIFF),  
S/O KRISHNAN KURUP, RESIDING AT CHALIKKANDY HOUSE, NEW MAHE.
4. E.M.MANJULA, (AGE NOT KNOWN TO PLAINTIFF)  
W/O PANDMANABHAN, RESIDING AT KAILAS, POST AVALA, KOYILANDY TALUK.
5. JAYASREE NARANGE, (AGE AND FATHERS NAME NOT KNOWN TO PLAINTIFF),  
RESIDING AT LAKSHMI SREE, POST: VALATHUR, WAYANAD.
6. JOLI KURIAKOSE (AGE NOT KNOWN TO PLAINTIFF) W/O KURIAKOSE  
RESIDING AT KANANADU HOUSE, POST: MEENANGADI, POST: VALATHUR, WAYANAD.  
*(R3, R5 AND R6 ARE STRIKE OFF FROM THE PARTY ARRAY AT THE RISK OF THE  
APPELLANTS AS PER ORDER IN IA 3445/09 DATED 18.5.2010)*

R1 BY ADV.SRI.PUSHPARAJAN KODOTH  
R1 BY ADV.SRI.K.JAYESH MOHANKUMAR  
R1 BY ADV.SMT.VANDANA MENON  
R1 BY ADV.SMT.N.DEEPA  
R1 BY ADV.SRI.TSETHUMADHAVAN (SR.)

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20-11-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC & P.V.ASHA, JJ.**

-----  
**R.F.ANo.655 of 2007**  
-----

**Dated this the 20<sup>th</sup> day of November, 2015**

**JUDGMENT**

**Antony Dominic, J.**

This appeal is filed by the defendants 1, 2 and 4 in O.S.152/03 on the file of the Sub Court, Kozhikode. This appeal was referred for mediation at the Ernakulam Mediation Centre (High Court). The dispute was mediated and the appellants 2 and 3 and the first respondent firm have entered into an agreement dated 17<sup>th</sup> November 2015, settling the disputes in the manner as stated therein.

In the light of the settlement thus arrived at between the parties, this appeal is disposed of directing that the judgment and decree will stand modified in terms of the memorandum of agreement dated 17<sup>th</sup> November 2015. It is made clear that the appellant will also be entitled to refund of court fee paid in the appeal. Memorandum of agreement dated 17<sup>th</sup> November, 2015 will form part of the judgment.

SD/-  
**ANTONY DOMINIC**  
**JUDGE**

SD/-  
**P.V.ASHA**  
**JUDGE**

*jes*