

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

OP(C).No. 2686 of 2013 (O)

**AGAINST THE ORDER IN E.P NO.35/2013 IN I.A NO.1872/2008 IN OS 53/2003 of
MUNSIFF COURT, MAVELIKKARA .**

PETITIONER/COUNTER PETITIONER :

**JOHN JOSEPH, AGED 32 YEARS,
S/O. LATE DAVID JOHN, KOTTAYIL VEEDU, PRAYIKKARA,
MAVELIKKARA-690 101.**

**BY ADVS.SRI.P.B.SAHASRANAMAN.
SRI.T.S.HARIKUMAR.
SRI.K.JAGADEESH.**

RESPONDENTS/PETITIONERS & 2ND COUNTER PETITIONER :

- 1. JOHN AUGUSTINE,
S/O. DAVID JOHN, PONTARASSERIL, KALARCODE P.O.,
ALAPPUZHA-688 007.**
- 2. JOHN JOVAKIN,
S/O. DAVID JOHN, CHARUVILAYIL VEEDU, VELLIYAN P.O.,
KUNDARA, KOLLAM-691 501.**
- 3. YESUDASAN ,
S/O. DAVID JOHN, KOTTAYIL VEEDU, PRAYIKKARA,
MAVELIKKARA-690 101.**
- 4. JOHN JOSEPHIN,
KOCHUKALEKKAL, THOTTATHUMUKKU P.O., KLAPPANA,
OCHIRA-690 526.**
- 5. PHILOMINA ,
D/O. DAVID JOHN, MERCY BHAVAN, CHOOLATHERUVU P.O.,
KAYAMKULAM-690 506.**
- 6. JOHN ANTONY ,
S/O. DAVID JOHN, KOTTAYIL VEEDU, PRAYIKKARA P.O.,
MAVELIKKARA-690 101.**

**R1 TO R 4 BY ADVS. SRI.M.V.THAMBAN.
SRI.R.REJI.
SRI.B.BIPIN.
SMT.THARA THAMBAN.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE PHOTOSTAT COPY OF THE COMMISSION REPORT IN IA NO.1872/2008 IN OS NO.53/2003, DTD.16.12.2009.
- P2 : TRUE PHOTOSTAT COPY OF THE ORDER IN IA NO.155/2010 IN IA NO.1872/2008 IN OS NO.53/2003 OF THE MUNSIFF'S COURT, MAVELIKKARA, DTD.9.2.2010.
- P3 : TRUE PHOTOSTAT COPY OF THE FINAL DECREE IN IA NO.1872/2008 IN OS NO.53/2003 OF THE MUNSIFF COURT, MAVELIKKARA, DTD.12.3.2010.
- P4 : TRUE PHOTOSTAT COPY OF THE EP NO.35/2013 IN OS NO.53/2003, DTD.12.3.2013.
- P5 : TRUE PHOTOSTAT COPY OF THE OBJECTION, DTD.15.7.2013.
- P6 : TRUE PHOTOSTAT COPY OF THE IA NO.1193/2013 IN IA NO.1872/2008 IN OS NO.53/2003, DTD.26.6.2013.
- P7 : TRUE PHOTOSTAT COPY OF THE OBJECTION FILED BY THE RESPONDENTS 1 TO 4 ON 22.7.2013.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A TO JUDGE

A.HARIPRASAD, J.

O.P (C) No.2686 of 2013

Dated this the 9th day of June, 2015.

J U D G M E N T

Heard the learned counsel for the petitioner and the contesting respondents. Learned counsel on both sides submitted that the entire matters have been settled in a mediation and the parties have signed the memorandum of settlement on 02-02-2015. The parties have agreed that the delivery pursuant to the final decree in O.S No.53/2003 before the Court of Munsiff, Mavelikkara is to be set aside as the parties have agreed to divide the property as per the sketch attached to the compromise. It is also submitted that the parties had agreed to fulfill their obligations as per the terms of the compromise within a period of one month from 02-02-2015. But the compromise could be filed before this Court only on 16-03-2015. Therefore, the time fixed for performance of obligations under the compromise will have to be extended, for which also the parties agree.

2. After hearing counsel on both sides, the following directions are issued :

The original petition is disposed in terms of the compromise dated 02-02-2015 properly executed by the parties to the proceedings. The delivery of the property effected by the trial court is set aside. The parties shall approach the court below for effectuating the compromise decree as expeditiously as possible and the court below shall dispose of the entire matter in terms of the compromise within a period of three months from today. The parties shall appear before the court below on 6th July, 2015. The original compromise filed before this Court shall be transmitted to the trial court for effectuating the same. The compromise shall form part of the lower court's record.

Original petition disposed accordingly.

All pending interlocutory applications will stand dismissed.

**A.HARIPRASAD,
JUDGE.**