

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

OP(C).No. 2690 of 2015 (O)

PETITIONER(S):

MARIYAM K. AGED 67 YEARS
AGED 67 , W/O. MUHAMMED, KALATHINGAL HOUSE
PARUTHIPARA, FEROKE COLLEGE P.O., KOZHIKODE - 673 631.

BY ADV. SRI.ASISH K.JOHN

RESPONDENT(S):

1. MUTHOOT VEHICLE AND ASSET FINANCE LTD
FORMERLY KNOWN AS MUTHOOT LEASING AND FINANCE LIMITED
MUTHOOT CHAMBERS, KURIAN TOWERS, BANERJI ROAD
ERNAKULAM - 682 031.
2. MUHAMMED FAFEK, S/O.MUHAMMED,
KALATHINGAL, FEROKE COLLEGE P.O., PARUTHIPARA
KOZHIKODE - 673 631.
3. MADHAVAN, S/O. KANDAN, VEDAKKEVALAPPIL HOUSE
KIZHAKKEMURI PO, KAKKODI, KOZHIKODE- 673 611.

R1 BY ADV. SRI.S.NIDHEESH

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C) .No. 2690 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1:- TRUE COPY OF THE AWARD PASSED BY THE SOLE ARBITRATOR IN
ARB. REF. NO. 172/2011 DATED 26-05-2012

EXHIBIT P2:- TRUE COPY OF THE SALE CERTIFICATE ISSUED BY THE 1ST
ADDITIONAL DISTRICT COURT, KOZHIKODE IN E.P. NO.
115/2013 IN ARB. REF. NO. 271/2011 DATED 26-05-2012.

EXHIBIT P3:- TRUE COPY OF THE PETITIONER FOR DELIVERY
E.A. NO. 510/2015 DATED 30-05-2015.

EXHIBIT P4:- TRUE COPY OF THE POWER OF ATTORNEY DATED 9.11.15

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

K.ABRAHAM MATHEW J.

O.P.(C)No.2690 of 2015

Dated this the 15th day of December, 2015

JUDGMENT

When the matter came up for hearing at the request of the parties the dispute was referred for mediation. The matter has been settled at the mediation. The settlement has been signed by the power of attorney holder of the petitioner. A copy of power of attorney has been produced. Original was produced for my perusal. I am satisfied that the copy is true copy of the original.

In the result, this Original Petition is disposed of as follows:

On the basis of the directions 1) in full and final settlement of the respondents' claim it is agreed to receive Rs.2,05,000/- from the petitioner.

2) Payment of Rs.1,00,000/- out of the said amount is acknowledged.

3) The petitioner will pay Rs.1,05,000/- on or before 31.3.2016.

4) On payment of the said amount on or before 31.3.2016 the sale of the petitioner's property will stand set aside.

5) If payment is not made as stated above the first respondent is at liberty to take appropriate steps for realisation of the balance amount.

**K.ABRAHAM MATHEW
JUDGE**

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