

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

RSA.No. 949 of 2007 ()

**AGAINST THE JUDGMENT AND DECREE IN AS 199/2006 of DISTRICT COURT,
KOZHIKODE DATED 09-08-2007.**

**AGAINST THE JUDGMENT AND DECREE IN OS 53/2005 of SUB COURT, KOILANDY
DATED 13-07-2006.**

**APPELLANTS/APPELLANTS IN A.S 199/2006 - DISTRICT JUDGE, KOZHIKODE/
PLAINTIFFS IN O.S NO.53/2005- SUBORDINATE JUDGE, KOYILANDY :**

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- 1. KUNHAMI.K.M., W/O.K.K.ABDULLA,
AGED 41 YEARS, HOUSEWIFE, RESIDING AT
KODUMAYIL MEETHAL, MEPPAYUR AMSOM, KAYALODE
DESOM, KOYILANDY TALUK, KOZHIKODE DISTRICT, POST MEPPAYUR.**
 - 2. MUHAMMAD SALI, S/O.K.K.ABDULLA,
AGED 17 YEARS, MINOR, RESIDING AT KODUMAYIL MEETHAL,
MEPPAYUR AMSOM, KAYALODE DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT, POST MEPPAYUR.**
 - 3. SISTER NOORA, AGED 15 YEARS,
MINOR, RESIDING AT KODUMAYIL MEETHAL, MEPPAYUR AMSOM,
KAYALODE DESOM, KOYILANDY TALUK,
KOZHIKODE DISTRICT, POST MEPPAYUR.**
 - 4. BROTHER SALMAN, AGED 13 YEARS, MINOR,
RESIDING AT KODUMAYIL MEETHAL, MEPPAYUR, AMSOM
KAYALODE DESOM, KOYILANDY TALUK, KOZHIKODE DISTRICT
POST MEPPAYUR.
(MINOR APPELLANTS REPRESENTED BY NEXT FRIEND
MOTHER IST APPELLANT).**

**BY ADVS.SRI.B.KRISHNAN.
SRI.R.PARTHASARATHY.**

**RESPONDENT/RESPONDENT IN A.S 199/2006-DISTRICT JUDGE, KOZHIKODE/
DEFENDANT IN O.S 53/2005-SUBORDINATE JUDGE, KOYILANDY :**

**SHAMSUDHEEN, S/O.KUNHI MOIDEEN,
AGED 43 YEARS, TRADER, RESIDING AT PATINHARE KAMMANA,
VILAYATTOOR AMSOM DESOM, KOYILANDY TALUK,
KOZHIKODE DISTRICT, POST IRINGATH - 673 523.**

**BY ADVS. SRI.T.P.KELU NAMBIAR (SR.) & SRI.P.GRAJAGOPALAN.
R, BY ADV. SRI.P.GRAJAGOPALAN
R, BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 03-08-
2015, ALONG WITH R.S.A NO.168/2008, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

A.HARIPRASAD, J.

R.S.A Nos.949 of 2007&168 of 2008

Dated this the 03rd day of August, 2015.

COMMON JUDGMENT

Heard the learned counsel for the appellants (plaintiffs in O.S No.53/2005 before the Sub Court, Koyilandy and the defendants/respondents. RSA No.168/2008 is filed by the defendant in the said suit and RSA No.949/2007 is filed by the plaintiffs in the suit.

2. Learned counsel on both sides submitted that the parties have settled the disputes amicably and a compromise petition under Order XXIII Rule 3 C.P.C has been filed in RSA No.168/2008. As per the terms of the compromise, the plaintiffs in the above suit do not intend to prosecute the suit further. The compromise filed in R.S.A No.168/2008 is recorded. It shall form part of the decree in both the appeals. Both the appeals are dismissed in terms of the compromise. Refund the court fee in both the appeals.

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge