

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

RFA.No. 59 of 2012 () & C.O NO.42/2012

(AGAINST THE ORDER/JUDGMENT IN OS 85/2006 of ADDL.D.C. KOZHIKODE-III)

APPELLANT(S)/DEFENDANT:

KAZHUTHUMTHOTTATHIL MATTUMMAL KUNHEEN,
S/O. MAMMUNNI, FEROKE AMSOM, NALLUR DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.R.RAMADAS

RESPONDENT(S)/PLAINTIFF:

UMMERKOYA HAJI, S/O.ARIYANKAL AHAMMED KOYA,
ARIYANKAL HOUSE, KARUVANTHIRUTHI FEROKE AMSOM,
NALLUR DESOM, KOZHIKODE TALUK 673 631.

R1 BY ADV. SRI.C.P.MOHAMMED NIAS

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 05-06-2015, ALONG WITH CO. 42/2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

**I.A. No.975 of 2015 &
R.F.A. No. 59 of 2012 &
C.O.No.42 of 2012**

Dated this the 5th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The captioned I.A. is a compromise petition. We are satisfied that sufficient cause has been shown to accept the said compromise. The said compromise is recorded.

RFA No.59 of 2012 & C.O.No.42 of 2012:

The RFA and the C.O. are ordered in terms of the compromise in supersession of the decree of the trial court. Resultantly, the Cross Objection will stand dismissed and the RFA will stand allowed vacating the decree of the court below.

Refund one half of the court fee paid on the appeal memorandum and one half of the court fee paid on the cross objection to the counsel for the appellant and the counsel for the cross objector respectively.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN
Judge
Sd/-**

**SUNIL THOMAS
Judge
/true copy/ PS to Judge.**

dpk

