

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

RFA.No. 523 of 2010

AGAINST THE JUDGMENT IN OS 1073/2008 of II ADDL. SUB COURT, ERNAKULAM DATED 12.3.2010

APPELLANTS/DEFENDANTS:

K.D.FIDELIAS @ FILLAPPAN
AGED 60, S/O.LATE DEVASSY, KAITHAMANA HOUSE
PONJIKKARA, MULAVUKAD VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT. [DECEASED]

Addl. A2. PHILOMINA, W/O.LATE K.D.FIDELIAS @ FILLAPPAN, KAITHAMANA HOUSE
PONJIKKARA, MULAVUKAD VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.

Addl. 3. BINU, D/O.LATE K.D.FIDELIAS @ FILLAPPAN, KAITHAMANA HOUSE
PONJIKKARA, MULAVUKAD VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.

Addl. 4. JINCY, D/O.LATE K.D.FIDELIAS @ FILLAPPAN, KAITHAMANA HOUSE
PONJIKKARA, MULAVUKAD VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.

Addl. 5. MARY WINCY, D/O.LATE K.D.FIDELIAS @ FILLAPPAN, KAITHAMANA HOUSE
PONJIKKARA, MULAVUKAD VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.

Addl. 6. JINU, D/O.LATE K.D.FIDELIAS @ FILLAPPAN, KAITHAMANA HOUSE
PONJIKKARA, MULAVUKAD VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.
(ADDL.A2 TO A6 ARE IMPEADED AS LEGAL HEIRS OF DECEASED
APPELLANT AS PER ORDER DATED 14.01.2011 IN IA 166/11.)

BY ADVS.SRI.ABRAHAM K.JOHN
SRI.SEBASTIAN THOMAS

RESPONDENTS/PLAINTIFFS:

1. GRACEY XAVIER, ELAVUNGAL HOUSE, ELAMAKKARA P.O.
EDAPPALLY SOUTH VILLAGE, NOW RESIDING AT
ELAVUNGAL HOUSE, PONEKKARA, PONEVELI ROAD
EDAPPALLY NORTH VILLAGE.
2. JESSY JOHN, AGED 56, W/O.JOHN, ANTHIKKATT HOUSE, M.A.BANK ROAD
CHERANELLOOR, CHERANELLOOR VILLAGE.
3. RAGI ANTONY, AGED 52, W/O.ANTONY,
MARADU VILLAGE, KANAYANNUR TALUK.

4. JOSEPHINE, AGED 47, D/O.DEVASSY,
KAITHAMANA HOUSE, BOLGHATTY, MULAVUKAD VILLAGE
KANAYANNUR TALUK.
5. K.D.FRANCIS, AGED 63, S/O.LATE DEVASSY,
KAITHAMANA HOUSE, BABY SMARAKA ROAD, ELAMAKKARA
EDAPPALLY SOUTH VILLAGE
KANAYANNUR TALUK..[DECEASED]

Addl.R6. ROSY FRANCIS
W/O.LATE K.D.FRANCIS, KAITHAMANA HOUSE
BABY SMARAKA ROAD, ELAMAKKARA PO., ERNAKULAM DISTRICT
PIN - 682 026.

Addl.R7. JISHY K.F
'AKHIL NIVAS', THALAYAD PO., CHIRAKKUZHI
THALASSERY, KANNUR DISTRICT.

Addl.R8. JIJA RANSOM
ARACKAL HOUSE, VALLUVALLY, KOONAMMAVU PO.
CHUMGAM, NORTH PARAVUR, ERNAKULAM DISTRICT.
(ADDL.R6 TO R8 ARE IMPEADED AS LEGAL HEIRS OF DECEASED 5TH
RESPONDENT AS PER ORDER DATED 08.10.2015 IN IA 881/15.)

R1 TO 4 ADDL6-R8 BY ADV. SRI.ABRAHAM P.GEORGE
R1 TO 4 BY ADV.SMTSOUMINI JAMES
R1 TO 4 ADDL6-R8 BY ADV. SRI.K.VINODKUMAR (707/89)
R5 BY ADV. SRI.M.K.ROBIN RAJ
ADDL R6-R8 BY ADV.SMTM.SANTHY
ADDL R6-R8 BY ADV.SMT.M.D.BEENA

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 09-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.VASHA, JJ.

R.F.A.No.523 of 2010

Dated this the 9th day of November, 2015

JUDGMENT

Antony Dominic, J.

The first defendant in O.S.1073/08 of the II Additional Sub Court, Ernakulam is the appellant. In this appeal, he is challenging the judgment and decree passed by the lower court on 12.3.2010. By order dated, 8th October, 2015 this appeal was referred for mediation. Accordingly, the dispute was mediated at the Ernakulam Mediation Centre. On such mediation, the parties have settled their disputes and have entered into a compromise incorporating the terms and conditions of their settlement. This is so stated in the report submitted by the Mediator also. Accordingly, as agreed by the parties in mediation, the judgment and decree passed in O.S.1073/2008 of the Sub Court, Ernakulam is set aside and this appeal is disposed of in terms of the agreement entered into between the parties. The suit will stand decreed as per the terms and conditions of the compromise entered into between the parties. Mediation agreement will form part of the judgment.

**ANTONY DOMINIC
JUDGE**

**P.VASHA
JUDGE**

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