

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

RFA.No.38 of 2013 (D)

AGAINST THE ORDER/JUDGMENT IN OS 67/2009 of SUB COURT, TIRUR
DATED 15-10-2012

APPELLANTS : PLAINTIFFS IN THE SUIT :

1. CHEMMARATH RAMACHANDRAN,
S/O.LATE KUNHAN NAIR, KOTTAKKAL AMSOM AND DESOM,
PANDAMANGALAM P.O., KOTTAKKAL PIN 676 503.
2. PAYYAZHI SIVASANKARAN NAIR,
S/O.LATE SANKARAPADIYAR, KOTTAKKAL AMSOM, DESOM,
PANDAMANGALAM P.O., KOTTAKKAL, PIN 676 503.

BY ADVS.SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL

RESPONDENTS : DEFENDANTS IN THE SUIT :-

1. DR.P.BALACHANDRAN,
SUPERINTENDENT, ARYA VAIDYASALA CHARITABLE HOSPITAL,
KOTTAKKAL- 676 503.
2. M.P.ESWARA SARMA,
READER, V.P.S.V AY.COLLEGE,
KOTTAKKAL SANTHWANAM AMBALAVATTAM, EDARIKODE P.O.,
TIRUR TALUK, PIN 676 501.
3. K.V.MENON,
LIC CHAIRMAN CLUB MEMBER, SOUPARNIKA, CHAITANYA COLONY,
N.H.ROAD, KOTTAKKAL 676 503.
4. M.K.UNNIKRISHNAN,
7/3 OLD NO.268, KRISHNA KUDEERA, MARIYAPPA ROAD, II BLOCK,
XTH MAIN ROAD, JAYA NAGAR, NEAR ASHOKA PILLAR,
BANGALORE 560 011.

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5. M.K.SHANMUGHAN,
MEMBADIPAT HOUSE, MADRASAPADI,
KUTTIPURAM P.O. VIA KOTTAKKAL,
PIN 679 571.
6. A.JAYAKRISHNAN,
KESAVAM, PANDAMANGALAM, KOTTAKKAL, PIN 676 503.
7. P.GOPPINAD,
BUSINESS, KOLLATH HOUSE,
NAYADIPARA, KOTTAKKAL-676 503.
8. P.JAYAPRAKASH,
PARAPPURATH HOUSE,
INDIANOOR.P.O.,
KOTTUR, VIA KOTTAKKAL,
PIN 676503.
9. C.SREENIVASAN,
ARYA VAIDYASALA EMPLOYEE,
KRISHNAPURI, PANDAMANGALAM,
KOTTAKKAL, PIN 676 503.
10. T.G.MANOCHARAN,
(V.P.S.V.Ay.COLLEGE, KOTTAKKAL),
PANCHAJANYAM, PARAMBILANGADI,
EDARIKODE. PIN 676501.
11. P.SATHYANANDAN,
BUSINESS,
POTTENGAL HOUSE,
KAIPPILLIKUNDU,
KOTTAKKAL – 676 503.
12. P.SIVADASAN,
ARYA VAIDYASALA EMPLOYEE,
PERIKKATHARA, IRINGALLUR.P.O.,
VIA VENGARA, PIN 676 304.
13. K.K.MOHANDAS,
BUSINESS,
PRANAVAM,
PANDAMANGALAM,
KOTTAKKAL – 676503.
14. T.R.VELAYUDHANKUTTY,
BUSINESS,
UDAYANIVAS,
RANDATHANI.P.O.,
PIN 676 510.

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15. U.BHARADHAN,
BUSINESS,
SUDALAYAM,
G.R.H.S.S.ROAD,
KOTTAKKAL- 676503.
16. A.BALAN,
BUSINESS,
AYANIKKAL HOUSE,
KAVUMBURAM,
VALANCHERI - 676 552.
17. N.C.T.RAJAGOPAL,
BHARATHIYA VIDYA NIKETHAN,
VYASAVIDYAPEEDAM, KALLEKKAD.P.O.,
PALAKKAD DISTRICT, PIN 678 015.
18. KOTTAKKAL VIDYABHAVAN CHARITABLE SOCIETY,
NO.424/01,
REPRESENTED BY SECRETARY,
KOTTAKKAL - 676 503.

R1-R3,R6-R10,R14-R15,R 18 BY ADV. SRI.SAJU.S.A
R1-R3,R6-R10,R14-R15,R 18 BY ADV. SRI.T.KRISHNAN UNNI (SR.)
R1-R3,R6-R10,R14-R15,R 18 BY ADV. SMT.P.A.SHEEJA
R1-R3,R6-R10,R14-R15,R 18 BY ADV. SRI.K.C.KIRAN
R18 BY ADV. SMT.MEENA.A.
R17 BY ADV. SRI.P.VIJAYAKUMAR
R17 BY ADV. SRI.C.R.REGHUNATHAN

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

I.A.No.342 of 2015 & R.F.A.No.38 of 2013

Dated this the 05th day of March, 2015

JUDGMENT

P.N.Ravindran, J.

The prayer in I.A.No.342 of 2015 is that the settlement arrived as reflected in the affidavit may be recorded and the appeal may be disposed of accordingly. In the joint affidavit dated 31.1.2015 sworn to by the appellants and the authorised representatives of respondents 17 and 18 it is submitted that as the dispute has been settled, the parties have agreed that the litigation relating to Kottakkal Vidya Bhavan High School pending in this Court, namely, R.F.A.No.38 of 2013 and the applications therein shall be withdrawn. The relevant portion of averment contained in paragraph 5 of the joint affidavit is extracted below:-

"5. In view of the settlement regarding substantial aspects of the dispute it has been now agreed between all the parties in the above appeal that the litigation relating to the above school pending before this Hon'ble Court namely RFA 38/2013 and the applications I.A.110/2013, I.A.2109/2013 and I.A.2134/2013 seeking

punishment of party respondents for alleged violation all shall be withdrawn, bringing a final quietus to the above dispute. It is further declared that the above compromise has been reached after obtaining legal advice and with good intention of ensuring the continued excellence of the school and its students. There has been no collusion between the parties in this regard. The parties further hereunder state that the terms of settlement and fair and as agreed to by the parties own volition and in good faith."

In view of the averment in paragraph 5 of the joint affidavit filed in support of the application extracted above, we dispose of the appeal as withdrawn. Consequently, all the interlocutory applications therein shall stand dismissed as withdrawn.

P.N.RAVINDRAN, JUDGE

ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge