

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

RFA.No. 196 of 2011 ()

**AGAINST THE ORDER IN OS 693/2009 OF PRINCIPAL SUB COURT,ERNAKULAM
DATED 8.2.2011**

APPELLANT/PLAINTIFF:

**SANTHA PAUL, AGED 58 YEARS
W/O T.OOMMEN PANICKER, TOPS MANOR, PANAVELI P.O.
KOTTARAKKARA.**

**BY ADVS.SRI.S.ABDUL RAZZAK
SRI.P.B.PRADEEP
SMT.LAYA SIMON**

RESPONDENTS/DEFENDANTS:

- 1. K.A.GEORGE, AGED 51 YEARS
S/O ABRAHAM, KANNATT HOUSE, NADUVIL P.O.
KULATHUR DESOM, CHULAZHI VILLAGE, THALIPARAMBA TALUK
KANNUR DISTRICT 670 001**
- 2. M/S M & N PUBLICATIONS LTD.,
8B, BAHDUR SHA SAFAR MARG, NEW DELHI 110 001**
- 3. M/S TOP CONSTRUCTIONS, REPRESENTED BY
MANAGING PARTNER, T.OOMMEN PANICKER, TOPS MANOR
PANAVELI P.O., KOTTARAKKARA 691 506.**
- 4. INDIAN OVERSEAS BANK, REPRESENTED BY
SENIOR MANAGER, TALAP BRANCH, TALAP
KANNUR- 670 002 (DELETED)**

**[RESPONDENT NO.4 IS DELETED FROM PARTY ARRAY AT THE RISK OF THE
PETITIONER/APPELLANT AS PER ORDER DATED 8.3.2012 IN I.A.NO.2/2012]**

R,CAVEATOR BY ADV. SRI.VARGHESE C.KURIAKOSE

**R3 BY ADVS. SMT.SADHANA KUMARI ESWARI
SRI.M.BALAGOVINDAN**

R4 BY STANDING COUNSEL

**THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 19-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
shg/**

T.R. RAMACHANDRAN NAIR & K.P. JYOTHINDRANATH, JJ.

R.F.A.No.196 of 2011

Dated this the 19th day of June, 2015

J U D G M E N T

Ramachandran Nair, J.

This appeal is filed by the plaintiff in O.S.No.693/2009 on the file of the Sub Court, Ernakulam. The suit was dismissed and challenging the decree and judgment this appeal is filed. The suit was one for a declaration that sale deed No.5871/2005 is void and inoperative, for declaration of plaintiff's title and possession over the plaint schedule property and for prohibitory injunction.

2. Learned counsel for the appellant Sri. S.A. Razzak invited our attention to certain subsequent developments in the light of which it has become unnecessary for this Court to go into the merits of the case. The appellant has filed I.A.No.1081/2012 producing Annexure A. It is described as a copy of settlement agreement provided in Section 73 of the Arbitration and Conciliation Act dated 24.10.2011.

3. We have perused the affidavit in support of the application and the prayer is to accept Annexure A and pass appropriate orders in the appeal.

4. We heard the learned counsel for the respondents Sri. C. Varghese Kuriakose also.

5. According to the learned counsel for the respondents, the respondents have got certain contentions on the agreement produced before this court.

6. As the document is one which according to the learned counsel for the appellant has come to stay after the filing of the appeal, according to us it is unnecessary for this court to go into the merits of the appeal.

Accordingly, we dispose of the appeal recording that subsequent to the filing of the appeal Annexure A document has been made available before this Court by the appellant as a settlement agreement and hence it is unnecessary for us to express anything further on the merits of the appeal. The appeal is accordingly disposed of.

Sd/-

T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-

K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/