

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

RFA.No. 256 of 2011 ()

AGAINST THE JUDGMENT IN OS 139/2008 & 292/2009 of SUB COURT,ATTINGAL
DATED 3.12.2010

APPELLANT/PLAINTIFF:

MOHAMMED KUNJU
S/O. MEERA SAHIB, AGED 52 YEARS, M.K. MANZIL
MUDAPURAM.P.O, KIZHUVILAM DESAM, KIZHUVILAM VILLAGE
CHIRAYANKEEZHU TALUK
THIRUVANANTHAPURAM DISTRICT - 695 104.

BY ADVS.SRI.P.K.MUHAMMED
SRI.S.VIJI

RESPONDENTS/DEFENDANTS:

1. SATHYASEELAN
S/O. NARAYANAN, AGED 58 YEARS, KUZHIVILA VEEDU
KIZHUVILAM DESAM, KIZHUVILAM VILLAGE, PIN - 695 104.

* 2. DAMAYANTHI,
W/O. NARAYANAN, AGED 80 YEARS, KUZHIVILA VEEDU
KIZHUVILAM DESOM, KIZHUVILAM VILLAGE, PIN - 695 104. *DIED

MEMO DATED 28.1.2013 REPORTING DEATH OF R2 ON 29.10.2012 IS RECORDED
VIDE ORDER DATED 10.12.2015. THE DECEASED R2 HAD ONLY A LIFE INTEREST
AND THEREFORE IT IS NOT NECESSARY TO IMPLEAD THE LEGAL HEIRS OF
DECEASED R2 VIDE COMMON ORDER DATED 14.12.2015 ON RFA 256/11 & 90/12

R1 BY ADV. SRI.GEORGE SEBASTIAN
R2 BY ADV. SRI.JOHNSON GOMEZ

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 14-12-2015,
ALONG WITH RFA. 90/2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

RKC

**ANTONY DOMINIC &
P.V.ASHA, JJ.**

.....
**R.F.A.No.256 of 2011 &
R.F.A.No.90 of 2012**
.....

Dated this the 14th day of December, 2015

JUDGMENT

Antony Dominic, J.

These appeals are filed by the plaintiff in O.S.No.139 of 2008 and 292 of 2009 which were disposed of by the Sub Court, Attingal by a common judgment and decree passed on 3.12.2010. Taking note of the possibility of amicable settlement of the dispute, today these appeals were referred for mediation. Accordingly, the parties presented themselves at the Ernakulam Mediation Centre (High Court) and the dispute was mediated. On conclusion of the mediation, the parties have settled their disputes and entered into mediation agreement dated 14.12.2015 in full and final settlement of the disputes involved in these two cases.

2. In the light of the settlement thus arrived at, these appeals are disposed of, directing that the terms of the settlement will be incorporated in the decree in these appeals.

R.F.A.No.256 of 2011 &
R.F.A.No.90 of 2012

:2:

The appellant will also be entitled to refund of court fee paid in
R.F.A No.256 of 2011.

3. It is also ordered that the interim order of injunction
passed in I.A.No.1265 of 2011 will stand vacated and the
appellant will produce a copy of this order before the S.R.O.,
Chirayankeezhu, to which office the injunction order has already
been communicated.

Sd/-
ANTONY DOMINIC,
JUDGE.

Sd/-
P.V.ASHA,
JUDGE.

rkc