

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

RFA.No. 298 of 2011 ()

AGAINST THE JUDGMENT IN OS 1303/1995 of PRL.SUB COURT,
THRISSUR, DATED 27-07-2010.

APPELLANT/PLAINTIFF:-

JOSEPH
VENGANELLUR VILLAGE,
THALAPPILLY TALUK.

BY ADVS.SRI.DINESH R.SHENOY
SRI.G.HARIKRISHNAN (TRIPUNITHURA)
SRI.MAHESH MENON

RESPONDENTS/DEFENDANTS:-

1. AMBUJAM R. MENON
D/O.CHAKKUNNATH NANIKUTTY AMMA, VENGANELLUR VILLAGE
THALAPPILLY TALUK, REP. BY POWER OF ATTORNEY HOLDER
PIN-680586.

2. BALASUBRAMANIAN,
S/O.CHAKKUNNATH NANIKUTTY AMMA,
DO. DO.

BY ADV. SRI.G.UNNIKRISHNAN

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 27-01-2015, ALONG WITH RFA. 779/2014, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

Kvs/-

P.B.SURESH KUMAR, J.

= = = = =
R.F.A.No.298 of 2011
&
R.F.A.No.779 of 2014
= = = = =

Dated this the 27th day of January, 2015.

J U D G M E N T

These appeals are preferred against the common judgment in two suits namely, OS.No.1303 of 1995 and OS.No.799 of 1996 on the files of the Court of the Subordinate Judge, Thrissur. RFA.No.298 of 2011 is the appeal preferred against the decree and judgment in OS.No.1303 of 1995 and RFA.No.779 of 2014 is the appeal preferred against the decree and judgment in OS.No.799 of 1996.

2. In RFA.No.298 of 2011, a compromise petition is filed as IA.No.28 of 2015 by the parties to the said appeal, stating that RFA No.298 of 2011 can be allowed, modifying the decree in O.S.No.1303 of 1995 of the Sub Court, Thrissur in accordance with the terms of the compromise. It is also stated in the compromise petition that in view of

the compromise arrived at in RFA No.298 of 2001, the appellant who is also the appellant in RFA No.779 of 2014 is not pressing RFA No.779 of 2014. Paragraphs 10 and 11 of the compromise petition read as follows:

“10. The appellant and the respondents agree that RFA 298/2011 can be allowed modifying the decree in OS.1303/95 of the Sub Court, Thrissur as stated herein before and by fixing the boundary of the respondents' property shown as U, V, W, X, Y, Z in Annexure I plan. The said decree shall be an executable decree, executable at the instance of any of the parties.

11. The appellant shall not press RFA 779/2014 on the basis of the compromise.”

3. In the light of the said compromise, RFA.No.779 of 2014 is dismissed as not pressed and RFA.No.298 of 2011 is disposed of in terms of the compromise. A copy of the compromise petition shall form part of this judgment.

**Sd/-
P.B.SURESH KUMAR,
(Judge)**

Kvs/-

// true copy //

PA TO JUDGE.