

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 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

RFA.No. 660 of 2011 ()

AGAINST THE ORDER/JUDGMENT IN OS 1096/2007 of I ADDL.SUB COURT, THRISSUR
DATED 31-01-2011

APPELLANTS/DEFENDANTS:

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1. SURESH BABU, AGED 54 YEARS,\nS/O. VALIPARAMBIL SIVARAMAN, KAZHIMBRAM DESOM
VALAPPAD VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.
 2. HEMALATHA, AGED 47 YEARS, W/O. SURESH
BABU, VALIPARAMBIL HOUSE, KAZHIMBRAM DESOM
VALAPPAD VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.K.A.SATHEESA BABU

RESPONDENT/PLAINTIFF:

PRASANNAKUMAR, AGED 52 YEARS,
S/O. THANDAYAMPARAMBIL SEKHARAN, PERUMBADAPPU DESOM
CHENDRAPPINNI AMSOM, KODUNGALLUR TALUK
THRISSUR DISTRICT, PIN-680 664.

R BY ADV. SRI.K.S.BHARATHAN

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

vpv

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

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R.F.A.No.660 of 2011

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Dated this the 26th day of February, 2015

JUDGMENT

P.N.Ravindran, J.

The appellants are the defendants in O.S.No.1096 of 2007 on the file of the Court of the I Additional Subordinate Judge of Thrissur. The sole respondent is the plaintiff therein. The suit instituted by the respondent/plaintiff for realisation of the sum of Rs.8,64,500/- together with future interest on the principal sum of Rs.6,50,000/- and costs of the suit was decreed after trial by judgment delivered on 31.1.2011. As per that decree, the defendants were jointly and severally directed to pay to the plaintiff the sum of Rs.8,64,500/- together with interest at 6% per annum on the principal sum of Rs.6,50,000/- from the date of suit till realisation. The plaintiff was also held entitled to costs of the suit. The defendants have aggrieved thereby filed this appeal.

2. When this appeal came up for hearing before this Court on 25.3.2013, the parties were referred to mediation. Though initially the dispute was not settled after mediation, later pursuant to a further order passed by this Court on 11.2.2015 the parties again

appeared before the Mediator. After mediation talks, the dispute was settled out of court. The mediation agreement dated 16.2.2015 entered into between the parties disclose that the appellants/defendants have paid a total sum of Rs.8,50,000/- to the respondent/plaintiff in full and final settlement of the decree debt in O.S.No.1096 of 2007 which is under challenge in this appeal and that the respondent/plaintiff has accepted the same. The memorandum of settlement discloses that the parties have agreed that in view of the aforesaid payment, the appeal may be dismissed as withdrawn after recording full satisfaction of the decree.

In the light of the memorandum of settlement entered into between the parties, the appeal is dismissed as withdrawn recording the compromise entered into between the parties to the effect that the plaint claim has been satisfied and that the plaintiff has no subsisting claim under the decree in O.S.No.1096 of 2007 on the file of the Court of the Ist Additional Subordinate Judge of Thrissur. The court fee paid on the memorandum of appeal shall be refunded in full to the appellants. A copy of the memorandum of settlement entered into between the parties shall be appended to this judgment. The Registry shall forward a copy of this judgment along with a copy of the memorandum of settlement to the court below

and the court below shall thereupon vacate the order of attachment passed on I.A.No.6566 of 2007 after recording full satisfaction of the decree.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANIL K.NARENDRAN
JUDGE**

vpv