

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. 889 of 2011 ()

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AGAINST THE ORDER/JUDGMENT IN OS 253/2009 of PRINCIPAL SUB COURT,NORTH
PARAVUR DATED 25-10-2011**

APPELLANT IN RFA/PLAINTIFF IN SUIT:

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HUSSAIN
S/O.HYDROSE, ETTUKKATTIL, EDATHALA KARA
ALUVA EAST VILLAGE.**

BY ADV. SRI.V.M.ALI

RESPONDENT IN RFA/DEFENDANT IN SUIT:

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RAFEEQ
S/O.MAKKAR, KANNOTH VEETIL,
KASALPALAM, EDATHALA KARA,
ALUVA EAST VILLAGE, ALUVA TALUK-683 114.**

BY ADV. SRI.V.K.VEERAVUNNY

**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.

R.F.A.No.889 of 2011

Dated this the 27th day of February, 2015

JUDGMENT

P.N.Ravindran, J.

The appellant is the plaintiff in O.S.No.253 of 2009 on the file of the Court of the Additional Subordinate Judge of North Paravur. The sole respondent is the defendant therein. The suit instituted by the appellant for realisation of the sum of Rs.3,50,000/- together with interest and costs was dismissed after trial by judgment delivered on 25.10.2011. Hence this appeal.

2. When this appeal came up for consideration before us on 23.1.2015, we directed both parties to be present before the Nodal Officer, Ernakulam Mediation Centre at 11 a.m. on 9.2.2015. The Nodal Officer has reported that after mediation talks, the dispute between the parties was settled. The memorandum of settlement entered into between the parties on 9.2.2015 has also been forwarded to this Court and the same has been incorporated in the records. The memorandum of settlement discloses that the respondent has paid to the appellant the sum of Rs.3,50,000/- towards the full and final satisfaction of the appellant's claim in the

suit and that the appellant has no further claim as against the respondent.

In such circumstances, recording the memorandum of settlement dated 9.2.2015, a copy of which shall be appended to this judgment, the appeal is disposed of as settled out of court. The court fee paid on the memorandum of appeal shall be refunded to the appellant.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANIL K.NARENDRA
JUDGE**

vpv