

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

RFA.No. 860 of 2013

AGAINST THE JUDGMENT IN OS 67/2008 of SUB COURT, TIRUR DATED 23-08-2013

APPELLANT/1ST DEFENDANT:

M.P.ABDUL SALAM HAJI, AGED 58 YEARS
S/O.MOHAMMED KASIM HAJI, MELULLA PURAYIL
THIRURANGADI POST, MALAPPURAM DISTRICT-676 306.

BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN

RESPONDENTS:

1. T.K.KUNJU MOIDEENKUTTY HAJI, AGED 72 YEARS
S/O.KUNHAHAMMED HAJI, PROPRIETOR, HILLWAY TOURSIT HOME
CHALAKKUDY, THRISSUR-680 307
RESIDING AT KOTTAKKAL AMSOM DESOM, TIRUR TALUK.
2. C.M.MUHAMMED HAROON
ANAMALA ROAD, VERABOONB MANZIL, CHALAKKUDY P.O.
CHALAKKUDY, THRISSUR-680 307.
3. C.M.MUHAMMED ASHRAF
ANAMALA ROAD, MEHABOONB MANZIL, CHALAKKUDY P.O.
CHALAKKUDY, THRISSUR-680 307.

R1 BY ADV. SRI.JAMSHEED HAFIZ

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 21-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

R.F.A. No.860 of 2013

Dated this the 21st day of October, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the first respondent in O.S.67/08 on the file of the Sub Court, Tirur challenging the judgment and decree dated 23.8.2013. During the pendency of this appeal, by order dated 23.9.2015 the matter was referred for mediation. Accordingly, the dispute was mediated at the Mediation Sub Centre, Tirur. On such mediation, the parties have settled their disputes and entered into mediation agreement dated 15.10.2015.

In view of the above, this appeal is disposed of directing that the parties will be governed by the terms of the mediation agreement and the decree will stand modified in terms of the settlement. The appellant will be entitled to refund of the court fee paid on the appeal. Memorandum of agreement dated 15th October, 2015 will form part of the judgment.

Sd/-

ANTONY DOMINIC, JUDGE

Sd/-

P.V.ASHA, JUDGE

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The words "The appellant will be entitled to refund of the court fee paid on the appeal" occurring in the 2nd sentence of the last paragraph of the judgment dated 21.10.2015 in R.F.A.No.860/13 are corrected and substituted as "The first respondent in the appeal will be entitled to refund of the court fee paid on the appeal", vide order dated 25.5.2016 in R.F.A.No.860/13.

Sd/-

Registrar (Judicial)