

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

RFA.No. 881 of 2013 ()

AGAINST THE JUDGMENT IN OS 134/2012 of SUB COURT, PERUMBAVOOR DATED
11-09-2013

APPELLANTS/DEFENDANTS:

1. KURIAN AGED 86 YEARS
S/O.VARKEY, MAMBAKKATTU HOUSE, MAZHUVANNOOR KARA
MAZHUVANNOOR VILLAGE, KUNNATHUNADU TALUK.
2. M.K.VARGHESE AGED 54 YEARS
S/O. KURIAN, MAMBAKKATTU HOUSE, MAZHUVANNOOR KARA
MAZHUVANNOOR VILLAGE, KUNNATHUNADU TALUK.

BY ADVS.SRI.P.I.GEORGEKUTTY
SRI.ARUN PAUL JACOB

RESPONDENT/PLAINTIFF:

BABY, AGED 50 YEARS
S/O. VARGHESE, KAITHAKOOMBIL HOUSE
MALAYIDAMTHURUTHU KARA, KIZHAKKAMBALAM VILLAGE
KUNNATHUNADU TALUK, PIN-683562.

BY ADV. SRI.C.A.NAVAS
BY ADV. SRI.T.K.SASIKUMAR
BY ADV. SMT.C.S.SIMI

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 14-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

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R.F.A.No.881 of 2013

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Dated this the 14th day of October, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

1. Mediation settlement between the parties as placed on record through the Nodal Officer, Ernakulam Mediation Centre (High Court), is taken on record. This appeal is ordered in supersession of the impugned decree and judgment and in terms of the memorandum of agreement of mediation settlement signed by the parties on 29.09.2015. The said mediation settlement agreement will stand appended to this judgment. Refund the entire court fee paid on this appeal memorandum to the appellants through their learned counsel. The mediation settlement agreement along with the judgment shall be treated as decree for all intents and purposes.
2. It is also recorded that the amounts have been paid by the appellants to the respondents in final settlement of all claims

and resultantly, this decree cannot further be executed. It is also ordered hereby that any attachment effected over the plaint schedule property either before the court below or before this Court on account of the suit and appeal will stand lifted hereby.

The appeal is ordered accordingly.

Thottathil B.Radhakrishnan, Judge

Anu Sivaraman, Judge