

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

RFA.No. 27 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN OS 24/2012 of ADDL. SUB COURT, NORTH
PARAVUR DATED 27-07-2013**

APPELLANT/DEFENDANT:

**ARUN JOSE, AGED 26,
S/O.JOSE PV, PARAMBI HOUSE, KARUKUTTY P.O.
PIN CODE**

**BY ADVS.SRI.P.N.RAMAKRISHNAN NAIR
SRI.P.VISWANATHAN**

RESPONDENT(S):

**JAIMON JOSEPH, AGED 33,
S/O.JOSEPH, PARAMBI HOUSE, ASSISSI NAGAR
KARUKUTTY P.O., PIN-CODE 683 576.**

**BY ADVS. SRI.A.BALAGOPALAN
SRI.M.S.IMTHIYAZ AHAMMED**

**THIS REGULAR FIRST APPEAL HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VPV

P.N.RAVINDRAN & K.P.JYOTHINDRANATH, JJ.

R.F.A.No.27 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

P.N.Ravindran, J.

The appellant is the defendant in O.S.No.24 of 2012 on the file of the Court of the Subordinate Judge of North Paravur. The sole respondent is the plaintiff therein. The suit instituted by the respondent-plaintiff was decreed on 27.7.2013 allowing him to realise the sum of Rs.5,80,000/- with interest on the principal sum of Rs.4,00,000/- @ 18% per annum from the date of suit till date of decree and @ 6% per annum thereafter. The respondent was also held entitled to the costs of the suit.

2. Pursuant to the order passed by this Court the parties appeared before the Nodal Officer, Ernakulam Mediation Centre. After mediation the dispute was settled out of court. A memorandum of agreement dated 18.3.2015 in terms of section 89 of the Code of Civil Procedure has been placed on record. The memorandum of agreement discloses that the appellant has paid and the respondent has received towards full satisfaction of the decree in O.S.No.24 of 2012 the sum of Rs.6,50,000/-. The parties have also agreed that E.P.No.353 of 2013 filed by the respondent-decree holder to execute

the decree will be withdrawn. The agreement also discloses that other cases between the parties have also been settled.

In such circumstances the appeal is disposed of recording full satisfaction of the decree in O.S.No.24 of 2012 on the file of the Court of the Subordinate Judge of North Paravur. E.P.No.353 of 2013 filed by the respondent-decree-holder to execute the decree shall be dismissed as withdrawn after recording full satisfaction of the decree. The court below shall also simultaneously pass orders vacating the attachment effected by it. The documents produced by the respondent in the court below shall be returned to the appellant. The court fee paid on the memorandum of appeal shall be refunded to the appellant.

Sd/-

**P.N.RAVINDRAN,
Judge.**

Sd/-

**K.P.JYOTHINDRANATH,
Judge**

ahg.

**P.N.RAVINDRAN &
K.P.JYOTHINDRANATH, JJ.**

R.F.A. No.27 of 2015

JUDGMENT

10th April, 2015