

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

RSA.No. 833 of 2012 (G)

**AGAINST THE JUDGMENT AND DECREE IN AS 75/2010 of DISTRICT COURT, KASARAGOD
DATED 05-04-2011.**

**AGAINST THE JUDGMENT AND DECREE IN OS 43/2009 of SUB COURT, KASARAGOD
DATED 19-10-2010.**

APPELLANTS/RESPONDENTS 3 & 4/DEFENDANTS 1 & 2 :

**1. STATE OF KERALA,
REP.BY DISTRICT COLLECTOR, KASARAGOD.**

**2. EXECUTIVE ENGINEER,
P.W.D.ROADS AND BUILDINGS', KASARAGOD.**

BY GOVERNMENT PLEADER SRI.P.KABDUL RAHMAN.

RESPONDENT/RESPONDENTS 1 & 2 AND APPELLANT/PLAINTIFFS & 3RD DEFENDANT :

**1. S.SHANKARA BHAT, UBRANGALA VILLAGE,
P.O.KUMBADAJE, KASARAGODE TAUk,
KASARAGOD DISTRICT - 671 551.**

**2. S.RAMA BHAT, UBRANGALA VILLAGE,
P.O.KUMBADAJE, KASARAGODE TAUk,
KASARAGOD DISTRICT - 671 551.**

**3. PHASSAINAR,
ERMAKAJE VILLAGE, PWD CONTRACTOR, P.O.PERLA,
KASARAGODE TAUk, KASARAGODE DISTRICT - 671 551.**

**R1 & R2 BY ADVS. SRI.P.B.KRISHNAN,
SMT.GEETHA P.MENON,
SRI.P.B.SUBRAMANYAN,
SRI. N. AJITH.**

R3 BY ADV. SRI.T.K.SAIDALIKUTTY.

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

amk

A.HARIPRASAD, J.

R.S.A No.833 of 2012

Dated this the 11th day of August, 2015.

J U D G M E N T

Heard the learned Government Pleader and the learned counsel appearing for the contesting respondents. It is submitted that a suit for damages as well as mandatory injunction filed by the respondents 1 and 2 had been completely decreed by the trial court by allowing the claim for damages and mandatory injunction. Thereafter, the defendants filed a separate appeals before the lower appellate court. Lower appellate court modified the decree and disallowed the claim for damages, but confirmed the mandatory injunction decree. Against the modified decree, the plaintiffs (respondents 1 and 2 herein) preferred an appeal. The State also preferred this appeal challenging the decree passed by the lower appellate court. Learned counsel for the plaintiffs (respondents 1 and 2 herein) submitted that as the matters were settled between the Government and the plaintiffs, they withdrew their appeal

(R.S.A No.703/2011). After hearing all the counsel concerned, I am of the view that the entire matter has been settled between the parties and there is no necessity to proceed with the appeal further. Hence, this regular second appeal is dismissed.

All pending interlocutory applications will stand dismissed.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P. A to Judge

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