

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN**

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

RFA.No. 566 of 2014 ()

**AGAINST THE ORDER/JUDGMENT IN OS 627/2009 of PRL.SUB COURT,THRISSUR
DATED 31-10-2013**

APPELLANT(S)/DEFENDANTS IN O.S:-:

- 1. RAJAN,
S/O JOHN, 'ISWARYA', SANTHI NAGAR
MAVARTHALAKKENATHUMURI, ULLUR VILLAGE
THIRUVANANTHAPURAM.**
 - 2. JAYACHANDRAN,
S/O.SUKUMARAN, CHANDROTHAYAM, JAGATHI WARD
THAIKKAD VILLAGE, THIRUVANANTHAPURAM TALUK.**
- BY ADVS.SRI.R.PARTHASARATHY
SMT.SEEMA**

RESPONDENT(S)/RESPONDENT/PLAINTIFF IN O.S:-:

**SHIBI,
S/O.PARATHIVALAPPIL BHASKARAN, AYYANTHOLE VILLAGE
DESOM, THRISSUR TALUK, PIN-680 003.**

BY ADV. SRI.V.MADHUSUDHANAN

**THIS REGULAR FIRST APPEAL HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

vpv

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

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R.F.A.No.566 of 2014

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Dated this the 27th day of February, 2015

JUDGMENT

P.N.Ravindran, J.

The appellants are the defendants in O.S.No.627 of 2009 on the file of the Court of the Principal Subordinate Judge of Thrissur. The sole respondent is the plaintiff therein. The suit instituted by the respondent/plaintiff for realisation of the sum of Rs.8,00,000/- paid by him as advance pursuant to Ext.A1 agreement for sale together with interest and costs was decreed after trial and he was allowed to realise the sum of Rs.8,00,000/- from the defendants jointly and severally and from their assets together with interest at 6% per annum from the date of decree till realisation. The defendants have aggrieved thereby filed this appeal.

2. When this appeal came up for admission hearing before us, after the delay of 60 days in filing the appeal was condoned, we directed both sides to be present before the Nodal Officer, Ernakulam Mediation Centre at 11 a.m. on 18.2.2015. The parties accordingly appeared before the Nodal Officer. After mediation talks, the dispute between the parties was settled. The

memorandum of agreement entered into between the parties discloses that the appellants have paid to the respondent the sum of Rs.8,00,000/- without interest towards full and final satisfaction of the plaint claim.

In such circumstances, the impugned decree and judgment are set aside and the appeal is disposed of, recording the memorandum of settlement dated 19.2.2015 entered into between the parties. A copy of the memorandum of settlement shall be appended to this judgment. The court fee paid on the memorandum of appeal (one-third of the court fee alone has been paid) shall be refunded to the appellants.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANIL K.NARENDRA
JUDGE**