

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

RP.No. 944 of 2015 ()

(AGAINST THE JUDGMENT IN RFA.NO. 884/2008 DATED 28-05-2013)

REVIEW PETITIONERS/RESPONDENTS:

1. K.DEVAKI AMMA,
W/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA,
ERNAKULAM DISTRICT (DECEASED) (30-1-15)
2. SASIDHARAN,
S/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA, ERNAKULAM DISTRICT-682 306
3. MURALEEDHARAN,
S/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA, ERNAKULAM DISTRICT-682 306
4. BHADRA DEVI,
D/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA, ERNAKULAM DISTRICT-682 306
5. RAVEENDRANATHAN,
S/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA, ERNAKULAM DISTRICT-682 306
6. MALINI,
D/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA, ERNAKULAM DISTRICT-682 306
7. RAMESWARY,
D/O UNNIKRIISHNAN MENON, KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA,
ERNAKULAM DISTRICT-682 306
8. SETHUNATH,
S/O UNNIKRIISHNAN MENON,
RESIDING AT KONNIKATTU HOUSE,
EROOR, TRIPUNITHARA,
ERNAKULAM DISTRICT-682 306

R.P.NO.944/2015

9. SIVARAMA MENON,
S/O PARUKUTTY AMMA, RESIDING AT DOOR NO.11/142,
CHETTIPARAMBA, TRIPUNITHURA
REPRESENTED BY THE POWER OF
ATTORNEY HOLDER SASIDHARA MENON,
RESIDING AT KONNIKATTU HOUSE, EROOR,
THRIPUNITHURA, ERNAKULAM. PIN-682 306

BY ADV. SRI.P.SATHISAN

RESPONDENT/APPELLANT :

MADASSERIL SRIDHARA MENON,
S/O. PARUTTY AMMA, RESIDING AT MADASSERIL HOUSE,
THAREPARAMBIL LANE, ERNAKULAM.PIN-682 306

BY SRI.M.GOPIKRISHNAN NAMBIAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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THOTTATHIL B.RADHAKRISHNAN &
BABU MATHEW P. JOSEPH, JJ.

.....
R.P.No.944 of 2015
in
RFA No.884 of 2008
.....

Dated this the 18th day of December, 2015.
(In Chambers)

O R D E R

Thottathil B.Radhakrishnan, J.

1.This petition is filed seeking review of the judgment dated 18.12.2015 in the appeal. The appeal was against the final decree in a suit for partition. We have perused the decretal portion of the judgment of the trial court. The mediation settlement agreement arrived at by the parties during the pendency of the appeal deals only with money, including the amounts covered by the final decree of the trial court.

In the judgment, the mediation settlement agreement was recorded and it was ordered that the said memorandum of settlement will stand appended to the judgment. It was ordered therein that the impugned decree is vacated. Drafting of decree was dispensed with. But, that is erroneous, since drafting of final decree in a suit for partition cannot be dispensed with because it

is required to be engrossed on stamp paper. Hence,

- (i) the word 'vacated' occurred in the third sentence of the judgment dated 28.05.2013 is substituted by the word 'modified'.
- (ii) the last sentence of the judgment dated 28.05.2013 is vacated, and instead, it is directed that the mediation settlement agreement dated 19.03.2013 shall be engrossed on stamp paper, along with the requisite portions of the final decree passed by the trial court as is to be done in relation to the final decrees in civil suits.

This review petition is ordered accordingly.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(BABU MATHEW P. JOSEPH, JUDGE)

jg-18/12

The date "18/12/2015" stated in the 2nd line of the order dated 18/12/2015 in R.P 944/2015 in R.F.A 884/2008 is corrected as "28/05/2013" (vide order dated 02/03/2016 in R.P 944/2015 in R.F.A 884/2008).

Sd/-
Registrar (Judicial)