

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

RP.No. 987 of 2015

JUDGMENT DATED 10-08-2015 IN AS 886/1998.
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REVIEW PETITIONER(S)/APPELLANTS:

1. PANKAJ BUILDERS, 8/71,
CORPORATION OFFICE ROAD,
REPRESENTED BY ITS MANAGING PARTNER,
PANKAJ KUMAR.A, BHULANI, MADHUBEN,
MAVOOR ROAD, KOTTOOLI, PARAYANCHERI,
KOZHIKODE, NOW RESIDING AT NO.4, 1ST CROSS,
SANJAY NAGAR, BANGALORE - 560 094.
2. KAMALA BEN T SHENGVI, REDİYAT BHAVAN,
MENACHHADEVI STREET, PROF.K.T.SHAH ROAD,
KUTCH MANDVI, GUJARAT STATE.
3. PUSHPAL PRAKASH BHULANI,
W/O.PRAKASH CHANDER A, BHULANI, 27/360,
MADHUBEN, MAVOOR ROAD, KOTTOOLI VILLAGE,
PARAYANCHERRY DESOM, KOZHIKODE.
4. WINSOR BUILDERS, 8/71, REPRESENTED BY ITS PARTNER,
PRAKASH CHANDER A, BHULANI, NAGARAM, KOZHIKODE.

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA**

RESPONDENT(S):

1. THOMAS MATHEW, ADVOCATE,
MYCENAE APARTMENTS, S/O.T.C.MATHEW,
NAGARAM, KOZHIKODE - 673 027.
2. LISSY THOMAS MATHEW, LECTURER,
W/O.THOMAS MATHEW, MYCENAE APARTMENTS,
NAGARAM, KOZHIKODE - 673 027.

BY SRI.D.KRISHNA PRASAD

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 11-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

P.B.SURESH KUMAR, J.

R.P.No.987 of 2015

in

A.S.No.886 of 1998

Dated this the 11th day of November, 2015

ORDER

The appellants seek review of the judgment.

2. When the appeal came up for hearing on 10.8.2015, the learned counsel for the parties submitted that the matter has been settled out of court and the appeal as also the cross objection were accordingly dismissed as settled out of court.

3. In the Review Petition, it is stated by the appellants that what was intended to be conveyed to the court at the time of hearing of the appeal was that the matter was being settled and it was due to a mistake that a submission was made that the appeal has been settled out of court. It is also stated in the review petition that the

matter has been settled between the parties thereafter as per the terms of a compromise and since the appeal was disposed of as indicated above, the terms of the compromise have not become part of the decision in the appeal. The original compromise petition signed by the parties has also been produced by the appellants in the review petition.

In the light of the averments in the review petition as aforesaid, I deem it appropriate to review and recall the judgment in the appeal and it is ordered accordingly. Since the compromise petition signed by the parties is required to be produced in the appeal, Registry is directed to return the compromise petition to the learned counsel for the review petitioners today itself. Post the appeal for hearing tomorrow.

Sd/-

P.B.SURESH KUMAR, JUDGE.

smm