

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

RSA.No. 504 of 2003 ()

AGAINST THE DECREE AND JUDGMENT IN A.S.NO. 101/2001 of II ADDITIONAL DISTRICT
COURT, ERNAKULAM DATED 31-03-2003

AGAINST THE DECREE AND JUDGMENT IN O.S.NO. 247/1995 of SUB COURT,
MUVATTUPUZHA DATED 14-02-2001

APPELLANT(S)/RESPONDENTS/DEFENDANTS:

1. MARKOSE, KOCHUPURACKAL PUTHENPURAYIL,
KOOHATTUKULAM KARA, KOOHATTUKULAM VILLAGE.
2. MARIYAKUTTY, W/O.MARKOSE, KOCHUPURACKAL PUTHENPURAYIL,
KOOHATTUKULAM KARA, KOOHATTUKULAM VILLAGE.
3. VALSAMMA JOSEPH, D/O.MARKOSE, KOCHUPURACKAL
PUTHENPURAYIL, KOOHATTUKULAM KARA,
KOOHATTUKULAM VILLAGE.
4. JOSEPH JOSEPH, KADAVILPARAMBIL HOUSE,
FORT KOCHI TOWN.

BY ADVS. SRI.P.SANTHALINGAM (SENIOR ADVOCATE)
SMT.C.K.SHERINE

RESPONDENT(S)/APPELLANT/PLAINTIFF:

V.C.GEORGE, S/O.CHACKO, AGED 69, VATTAKKUNNEL,
EZHALLOOR KARA, KUMARAMANGALAM VILLAGE.

BY ADVS. SRI.A.BALAGOPALAN
SRI.A.RAJAGOPALAN
SRI.K.C.CHARLES
SRI.PRAKASH P.GEORGE

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON
03-02-2015 ALONG WITH R.S.A.NO.504/2003, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

A.HARIPRASAD, J.

R.S.A. Nos.504 and 506 of 2003
and
I.A.No.2725 of 2014 in R.S.A.No.506 of 2003

Dated this the 3rd day of February, 2015

COMMON JUDGMENT

Heard the learned counsel for the appellants in both the appeals.

2. Learned counsel submitted that the parties to the disputes are members of same family. They have agreed to divide the properties as per Annexure-I agreement. Learned counsel also submitted that the appellants have performed their part as per Annexure-I agreement, but the respondents are not coming forward to discharge their obligations under Annexure-I agreement. However, that is a matter to be agitated in a properly constituted action. Learned counsel for the appellants therefore submitted that after recording the fact that the parties have agreed to deal with the properties involved in the litigation as per Annexure-I agreement, the appeals may be disposed of.

In the result, I.A.No.2725 of 2014 is allowed. Annexure-I agreement is recorded. In view of Annexure-I agreement, both the appeals are dismissed.

All pending interlocutory applications will stand dismissed.

A. HARIPRASAD, JUDGE.

RSA Nos.504 & 506/2003
and

I.A.No.2725 of 2014 in R.S.A.No.506 of 2003

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A.Hariprasad, J.

**R.S.A.Nos.504 & 506 of 2003
and
I.A.No.2725 of 2014 in RSA No.506 of 2003**

COMMON JUDGMENT

3rd February, 2015