

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

RSA.No. 1048 of 2014 ()

**AGAINST THE JUDGMENT AND DECREE IN AS 72/2013 of ADDITIONAL DISTRICT &
SESSSIONS COURT IV, ERNAKULAM DATED 03-03-2014.**

**AGAINST THE JUDGMENT AND DECREE IN OS 74/2011 of PRINCIPAL SUB COURT,
ERNAKULAM DATED 31-10-2012.**

APPELLANT/APPELLANT/DEFENDANT :

**TRINITY BUILDERS AND DEVELOPERS,
HAVING ITS OFFICE AT TRINITY HOUSE, N.H.ROAD,
MAMANGALAMM, KOCHI-682 025.**

**BY ADVS.SRI.PAULSON C.VARGHESE.
SRI.MATHEW SKARIA.**

RESPONDENT/RESPONDENT/PLAINTIFF :

**M/S. OBERON EDIFICES & ESTATE PVT. LTD.,
REGISTERED OFFICE AT PALARIVATTOM, BY-PASS ROAD,
EDAPPALLY, ERNAKULAM, KOCHI-682 024
REPRESENTED BY ITS CHAIRMAN, M.A.MOHAMMED.**

**BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR.
SRI.JOSON MANAVALAN.**

**THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

amk

A.HARIPRASAD, J.

R.S.A No.1048 of 2014

Dated this the 25th day of February, 2015.

J U D G M E N T

Heard the learned counsel for the appellant and the respondent.

2. The matter was sent for mediation. It is reported that the matter has been settled in mediation. A memorandum of settlement executed by the parties is produced along with the report of the mediator. The memorandum is recorded and it shall form part of this judgment and decree. As per the terms of the memorandum, the entire disputes have been settled between the appellant and the respondent on agreeing to pay a sum of Rs.75,000/- and out of which Rs.42,601/- had been remitted to the Principal Sub Court, Ernakulam in O.S No.74/2011. The balance amount of Rs.32,399/- was agreed to be paid within a period of one week from the date of settlement. Considering the fact that the parties have settled the matter, the impugned decree and judgment is modified in terms of the settlement. The appeal

is disposed of accordingly.

The appellant is entitled to get refund of the court paid in this regular second appeal.

All pending interlocutory applications will stand dismissed.

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

//True copy//

P.A to Judge

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