

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

RSA.No. 1254 of 2014 ()

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AGAINST THE JUDGMENT AND DECREE IN A.S.NO. 148/2010 of III ADDITIONAL DISTRICT  
COURT, KOLLAM DATED 12-11-2014

AGAINST THE JUDGMENT AND DECREE IN O.S.NO. 29/1998 of PRINCIPAL SUB  
COURT, KOLLAM DATED 20-02-2010

APPELLANT(S)/RESPONDENTS 1 TO 3/DEFENDANTS 1 TO 3:  
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1. CHANDRASEKHARA KURUP, AGED 79 YEARS  
S/O.VASU PILLAI, THOTTATHIL VEEDU, PAYIKUZHIMURI  
OACHIRA VILLAGE, KARUNAGAPPALLY TALUK
2. V. SIVARAJA KURUP, AGED 74 YEARS  
RETD. AIR FORCE PERSONAL  
RESIDING AT PERUMCHERRIL VEEDU, THEKKUKOCHUMURI  
KRISHNAPURAM VILLAGE, KARTHIKAPPALLY TALUK
3. G.VIJAYANATHA KURUP, AGED 69 YEARS  
S/O.VASU PILLAI, RESIDING AT THOTTATHIL HOUSE,  
PAYIKUZZHI, OACHIRA (WRONGLY SHOWN IN THE CAUSE TITLE OF THE  
JUDGMENT OF THE APPELLATE COURT AS RESIDING  
AT PERUMCHERRIL VEEDU,  
THEKKUKOCHUMURI, KRISHNAPURAM VILLAGE  
KARTHIKAPPALLY TALUK)

BY ADV. SRI.K.P.SREEKUMAR

RESPONDENT(S)/APPELLANT & 4TH RESPONDENT/PLAINTIFF & 5TH DEFENDANT:  
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1. N. KUMARA KURUP, AGED ABOUT 79 YEARS  
NEDIYATHU VEEDU, KALLELLIBHAGAM VILLAGE  
KARUNAGAPPALLY TALUK, FROM AYIKKARAVALLIL VEEDU  
THEKKUKOCHUMURI, OACHIRA  
KARTHIKAPPALLY TALUK PIN 690 518
- \* 2. OACHIRA PARABHRAMA TEMPLE,  
ADMINISTRATION BOARD, OACHIRA,  
REPRESENTED BY ITS SECRETARY PIN 690 526 (DELETED)

\*R2 IS DELETED FROM THE PARTY ARRAY AS PER ORDER DATED 02.02.2015 IN  
IA.NO.275/2015.

R1 BY ADV. SRI..ARUN BABU(CAVEATOR)  
R2 BY ADV. SRI.N.D.PREMACHANDRAN

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON  
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.HARIPRASAD, J.**

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**R.S.A. No.1254 of 2014**

**&**

**I.A.No.67 of 2015**  
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**Dated this the 2<sup>nd</sup> day of February, 2015**

**JUDGMENT**

Heard the learned counsel for the appellants and the 1<sup>st</sup> respondent. The name of the 2<sup>nd</sup> respondent has been removed from the plaint as well as from this appeal as per order dated 02.02.2015 in I.A.No.275 of 2015. Learned counsel appearing on both sides submitted that the dispute involved in this case has been talked over and settled. The terms of settlement arrived at between the parties is produced as I.A.No.67 of 2015, dated 10.01.2015. It is therefore submitted that the suit may be dismissed recording the compromise.

After considering the facts and circumstances, the following order is passed:

The compromise between the appellants and the 1<sup>st</sup> respondent is recorded. It shall form part of the judgment and decree. In terms of the compromise, the impugned judgment and decree is set aside

R.S.A.No.1254 of 2014  
&  
I.A.No.67 of 2015

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and a modified decree is passed. There is no order as to costs.

All pending interlocutory applications will stand dismissed.

**A. HARIPRASAD, JUDGE.**

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