

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 27523 of 2012 (M)

OS 664/2008 of II ADDL. SUB COURT, TRIVANDRUM DATED
PETITIONER:

PRAVEEN SHASTRI, AGED 46 YEARS
S/O. VISANTHI, RESIDING AT FLAT NO.1, FIRST FLOOR
MATTATHILAPARTMENTS, BHARANANGANAM.P.O, PALA
KOTTAYAM DISTRICT.

BY ADVS. SMT. MAJIDA.S
SRI. AJIKHAN.M

RESPONDENT(S):

1. SALAHUDHEEN,, AGED 58 YEARS
S/O. MOHAMMED MUSTAFFA, RESIDING AT S.S.VILLA, VALLUR
MANCHAMALA.P.O, MELE THONNAKKA, THIRUVANANTHAPURAM
PIN-695001.
2. SHAMEER, AGED 42 YEARS
S/O. ABDUL RASHEED
RESIDING AT CHARUVILA PUTHEN VEEDU
NEAR LMA LOWER PRIMARY SCHOOL, MANEGA.P.O, NEDUMANGAD
THIRUVANANTHAPURAM-694667.

R1 & 2 BY ADV. SRI.M.R.SARIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

- EXT-P1 TRUE COPY OF THE BANK LOAN STATEMENT ISSUED BY ICICI BANK TO THE PETITIONER.
- EXT-P2 TRUE COPY OF THE COMPLAINT DATED 22.04.2008 GIVEN BY PETITIONER TO THE CIRCLE INSPECTOR OF POLICE,MEDICAL COLLEGE POLICE STATION.
- EXT-P3 TRUE COPY OF THE SALE AGREEMENT DATED 2.9.2006 EXECUTED BETWEEN PETITIONER AND IST RESPONDENT AND PRODUCED BEFORE THE SUB INSPECTOR OF POLICE,SREEKARIYAM POLICE STATION.
- EXT-P4 TRUE COPY OF AWARD IN O.LS.664/08 DATED 9.5.2009 OF THE LOK ADALAT.
- EXT-P5 TRUE COPY OF THE COMPROMISE PETITION DATED 9.5.2009 FILED BEFORE THE LEGAL SERVICE AUTHORITY,THKIRUVANANTHAPURAM DISTRICT IN O.S.664/08.
- EXT-P6 TRUE COPY OF THE PLAINT IN O.S.664/08 FILED BEFORE THE SUB COURT,THIRUVANANTHAPURAM.
- EXT-P7 TRUE COPY OF THE SALE AGREEMENT DATED 2.9.2006 EXECUTED BETWEEN PETITIONER AND IST RESPONDENT PRODUCED BEFORE THE COURT.
- EXT-P8 TRUE COPY OF THE SALE DEED NO.1633/2006 DATED 27.4.2006 EXECUTED IN FAVOUR OF PETITIONER.

RESPONDENTS' EXHIBITS :

- EXT.R2(A): COPY OF OBJECTION FILED IN I.A.NO.3750/08 IN O.S.541/08.
- EXT.R2(B): COPY OF PETITION, I.A.928/09 TO SET ASIDE THE EX PARTE ORDER FILED BY THE PETITIONER.
- EXT.R2(C): COPY OF WRITTEN STATEMENT FILED BY THE PETITIONER HEREIN IN OS.541/08 ON THE FILE OF SUB COURT, THIRUVANANTHAPURAM.

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C.)No.27523 Of 2012

DATED THIS THE 21st DAY OF JANUARY, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a writ of certiorari to quash Ext.P4 award passed by the Lok Adalat in the dispute which was the subject matter of O.S.No.664/2008 on the file of the 2nd Additional Sub Court, Thiruvananthapuram. On 21.11.2012 this Court admitted the matter on file and issued notice to the respondents. By order dated 9.10.2014, on finding that there is an element of settlement in the matter, the parties were directed to appear before the Ernakulam Mediation Centre on 15.10.2014.

2. Now the parties have settled the entire dispute and entered into memorandum of settlement dated 12.1.2015 under Section 89 of the Code of Civil Procedure, 1908 read with Rules 24 and 25 of the Civil Procedure (Alternative Dispute Resolution) Rules, 2008, reduced to writing the terms of settlement, verified and signed by all the parties and attested by their respective counsel. The memorandum of settlement so executed is produced before this

Court along with a report of the Mediator dated 12.1.2015.

In such circumstances, this Writ Petition is disposed of in terms of the settlement recorded in the memorandum of settlement dt.12.1.2015. A copy of the memorandum of settlement dated 12.1.2015 shall form part of this judgment.

Sd/-

**ANIL K.NARENDRA
JUDGE**

dsn