IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 22ND DAY OF JANUARY 2025 / 2ND MAGHA, 1946

RFA NO. 533 OF 2019 (D)

AGAINST THE DECREE AND JUDGMENT IN OS NO.244 OF 2009 DATED 31/10/2019 OF THE SUB COURT, ATTINGAL

APPELLANT/DEFENDANTS IN OS:

1 S.SUDARSANAN NAIR,
AGED 55 YEARS
S/O.SUKUMARA PILLAI, RESIDING AT ATHIVILA VEEDU, KURAKKANNI, VARKALA P.O., THIRUVANANTHAPURAM DISTRICT, PIN - 695 141, UAE ADDRESS OASIS WORLD FURNITURE AND OFFICE EQUIPMENT TRADING CO. LLC P.O.BOX NO.96570, AL-AIN, UAE.

2 SARAYOODEVI,
AGED 22 YEARS
D/O.SUDHARSANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O., EDAVA VILLAGE, VARKALA TALUK, PIN -695 311.

3 SUYESH SUDARSANAN,
AGED 21 YEARS
S/O.SUDHARASANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O., EDAVA VILLAGE, VARKALA TALUK, PIN - 695 311.

4 YAMUNA,
AGED 51 YEARS
W/O.SUDHARSANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O., EDAVA VILLAGE, VARKALA TALUK, PIN - 695 311.

5 JYOTHISH,
AGED 20 YEARS
S/O.SUDHARSANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O.,

EDAVA VILLAGE, VARKALA TALUK, PIN- 695 311.

BY ADV M.RAJENDRAN NAIR

RESPONDENTS / PLAINTIFF IN OS:

R.JAYACHANDRAN,
AGED 52 YEARS
S/O.RAGHAVAN PILLAI, ADANDA BHAVANAM, KURAKKANNI, VARKALA, THIRUVANANTHAPURAM - 695 141, NOW RESIDING AT JAYARENG, T.C.31/1043/D, AVRA-12K, AKSHARA VEEDHI, PETTAH, THIRUVANANTHAPURAM, PIN - 695 001.

BY ADVS.
SRI.M.BALAGOVINDAN
SRI.A.ANOOP

THIS REGULAR FIRST APPEAL HAVING COME UP FOR HEARING ON 10.12.2024, ALONG WITH RFA.47/2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 22ND DAY OF JANUARY 2025 / 2ND MAGHA, 1946

RFA NO. 47 OF 2020

AGAINST THE COMMON JUDGMENT AND DECREE DATED 31/10/2019 IN OS NO.300 OF 2009 OF THE SUB COURT, ATTINGAL

APPELLANT/PLAINTIFF:

R.JAYACHANDRAN,
AGED 63 YEARS
S/O.RAGHAVAN PILLAI,ANANDA BHAVANAM, KURAKKANNI,
VARKALA, THIRUVANANTHAPURAM,NOW RESIDING AT JAYARENG,
T.C. 31/1043/D, AVRA-12K AKSHARA VEEDHI,
PETTAH,THIRUVANANTHAPURAM - 24.

BY ADVS.
M.BALAGOVINDAN
SRI.T.K.ANANDA PADMANABHAN

RESPONDENTS/ADDL.RESPONDENTS 6 AND 7 SOUGHT TO BE IMPLEADED:

1 S.SUDARSANAN NAIR,
S/O.SUKUMARA PILLAI, ATHIVILA VEEDU, KURAKKANNI,
VARKALA, THIRUVANANTHAPURAM AND UAE ADDRESS OASIS WORLD FURNITURE AND OFFICE EQUIPMENT TRADING CO.LLC, P.O.BOX NO.96570, AL-AIN, U.A.E.

2 ADDL.R2-SARAYU DEVI,
D/O.SUDARSANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O.,
EDAVA VILLAGE, VARKALA TALUK, PIN - 695 311,

THIRUVANANTHAPURAM.

**3 ADDL.R3-SUYESH SUDARSANAN NAIR,
S/O.SUDARSANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O., EDAVA VILLAGE, VARKALA TALUK, PIN - 695 311, THIRUVANANTHAPURAM.**

**4 ADDL.R4-YAMUNA,
W/O.SUDARSANAN NAIR, R.S.BHAVAN, ODAYAM, EDAVA P.O., EDAVA VILLAGE, VARKALA TALUK, PIN - 695 311, THIRUVANANTHAPURAM.**

**5 ADDL.R5-JYOTHISH,
S/O.SUDARSANAN NAIR, AGED 15 YEARS (MINOR) REPRESENTED BY HIS GUARDIAN, SUDARSANAN, R.S.BHAVAN, ODAYAM, EDAVA P.O., EDAVA VILLAGE, VARKALA TALUK, PIN - 695 311, THIRUVANANTHAPURAM.**

**6 ADDL.R6-MUHAMMED RAFI,
S/O.ABDUL HAKEEM, SAJINA MANZIL, EDAVA VILLAGE, VARKALA-695 311, THIRUVANANTHAPURAM.**

**7 ADDL.R7-HAZEENA,
W/O.MUHAMMED RAFI, SAJINA MANZIL, EDAVA VILLAGE,VARKALA-695 311, THIRUVANANTHAPURAM.**

ADDL.R6 AND R7 ARE IMPLEADED IN THE RFA VIDE ORDER DATED 14.09.2022 IN IA 1/2020

ADDITIONAL RESPONDENTS 6 AND 7 ARE DELETED FROM THE PARTY ARRAY VIDE ORDER DATED 10.12.2024 IN RFA 47/2020

**BY ADVS.
SRI.M.RAJENDRAN NAIR
T.C.SURESH MENON
SMT.M.SANTHY
P.S.APPU
SHAHLA E.
B.DEEPAK**

THIS REGULAR FIRST APPEAL HAVING COME UP FOR HEARING ON 10.12.2024, ALONG WITH RFA.533/2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Sathish Ninan,
&
Shoba Annamma Eapen, JJ.
==========
R.F.A.Nos.533 of 2019 & 47 of 2020
==========
Dated this the 22nd day of January, 2025

JUDGMENT

Sathish Ninan, J.

The parties have settled their disputes in mediation. They have entered into a memorandum of agreement incorporating the terms of settlement. The decree and judgment impugned in this appeal are set aside and decree is passed in terms of the settlement. The memorandum of settlement along with the plan appended thereto, will form part of this judgment.

The court fee paid on the memorandum of appeal shall be refunded to the appellants.

Sd/-
Sathish Ninan, Judge

Sd/-
Shoba Annamma Eapen, Judge

rsr

ERNAKULAM MEDIATION CENTRE

(HIGH COURT HALL)

(2nd floor, above SBI, High Court Building, Ernakulam, Kochi-31.(Ph:0484-2562238)

EMC/Reg No. 1319/24 Dated 2/12/24

From

The Nodal Officer,
High Court Mediation Centre.

To

The Registrar (Judicial)
High Court of Kerala, Ernakulam.

Sir,

Sub : Mediation of case referred by the Hon'ble High Court of Kerala - reg.

Ref : Referral Order in RFA Nos. 47/2020 & 533/2019 dated 6/11/24 of the Honorable High Court of Kerala

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I am to forward herewith Report of the Mediator in the matter along with the enclosures for information and necessary action.

Yours Faithfully,

Nodal Officer,
Ernakulam Mediation Centre

Encl:- 1. Report of the Mediator, Settlement Agreement
2. Copy of the referral order dated 6/11/24 of the High Court of Kerala.
3. Copy of the Petition

BEFORE THE HONOURABLE HIGH COURT OF KERALA

AT ERNAKULAM

R.F.A. No.47 of 2020
&
R.F.A. No.533 of 2019

R. Jayachandran : Appellant

Vs.

S.Sudarsanan Nair and others : Respondents

REPORT SUBMITTED BY THE MEDIATOR

ADV. BABUKUMAR P.

Mediated, matter is settled.

Terms and conditions are attached herewith.

Dated this the 12th day of June, 2024.

Adv. Babukumar P.
Mediator
Ernakulam Mediation Centre

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

R.F.A. No. 47 of 2020

Appellant	**Respondent**
R.Jayachandran	S.Sudarsanan Nair & Others

R.F.A. No. 533 of 2019

Appellants	**Respondent**
S.Sudarsanan Nair & Others	R.Jayachandran

MEMORANDUM OF AGREEMENT UNDER SECTION 89 OF THE CODE OF CIVIL PROCEDURE READ WITH RULES 24 & 25 OF THE CIVIL PROCEDURE (ALTERNATIVE DISPUTE RESOLUTION),RULES, 2008:

Both parties agreed to settle the Appeals on the following terms and conditions:-

1. Third Appellant Sarayoo Devi in R.F.A.No.47/2020, agreed to convey 7 Ares 83 Sq Mts of land in Re-Sy No.66 of Varkala Village, Varkala Taluk having Thandaper No.20393 to R.Jayachandran, 1st respondent in RFA No.47/2020 as full and final settlement of RFA No.47/2020 and RFA No.533/2019 as full and final settlement.

R.F.A. No. 47 of 2020

Appellant - R.Jayachandran

Respondents

1. S.Sudarsanan Nair
Addl.2. Sarayu Devi
Addl.3. Suyesh Sudarsanan Nair
Addl.4 Yamuna
Addl.5 Jyothish
Addl.6 Muhammed Rafi
Addl.7 Hazeena

R.F.A. No. 533 of 2019

Appellants

1. S.Sudarsanan Nair
2. Sarayoo Devi
3. Suyesh Sudarsanan
4. Yamuna
5. Jyothish

Respondents

R.Jayachandran

2. The 1st respondent R.Jayachandran in RFA No.533/2019 will pay an amount of Rs.5,00,000/- (Rupees Five lakhs only) at the time of registering the land mentioned in Clause No.1 to the Appellants in RFA No.533/2019 to the 1st Appellant S.Sudarsanan Nair.

3. There will not be any further claim each other between the parties of RFA No.533/2019 and RFA No.47/2020.

4. Attachment upon the property will be lifted by filing necessary petition before executing the Deed mentioned in clause No.1.

5. Court fee paid by the parties will be refunded to the appellants.

Dated this the 12th day of June 2024.

R.F.A. No. 47 of 2020

Appellant - R.Jayachandran

Respondents

1. S.Sudarsanan Nair

Addl.2. Sarayu Devi

Addl.3. Suyesh Sudarsanan Nair

Addl.4 Yamuna

Addl.5 Jyothish

Addl.6 Muhammed Rafi

Addl.7 Hazeena

Counsel for the Appellants

R.F.A. No. 533 of 2019

Appellants

1. S.Sudarsanan Nair
2. Sarayoo Devi
3. Suyesh Sudarsanan
4. Yamuna
5. Jyothish

Respondents

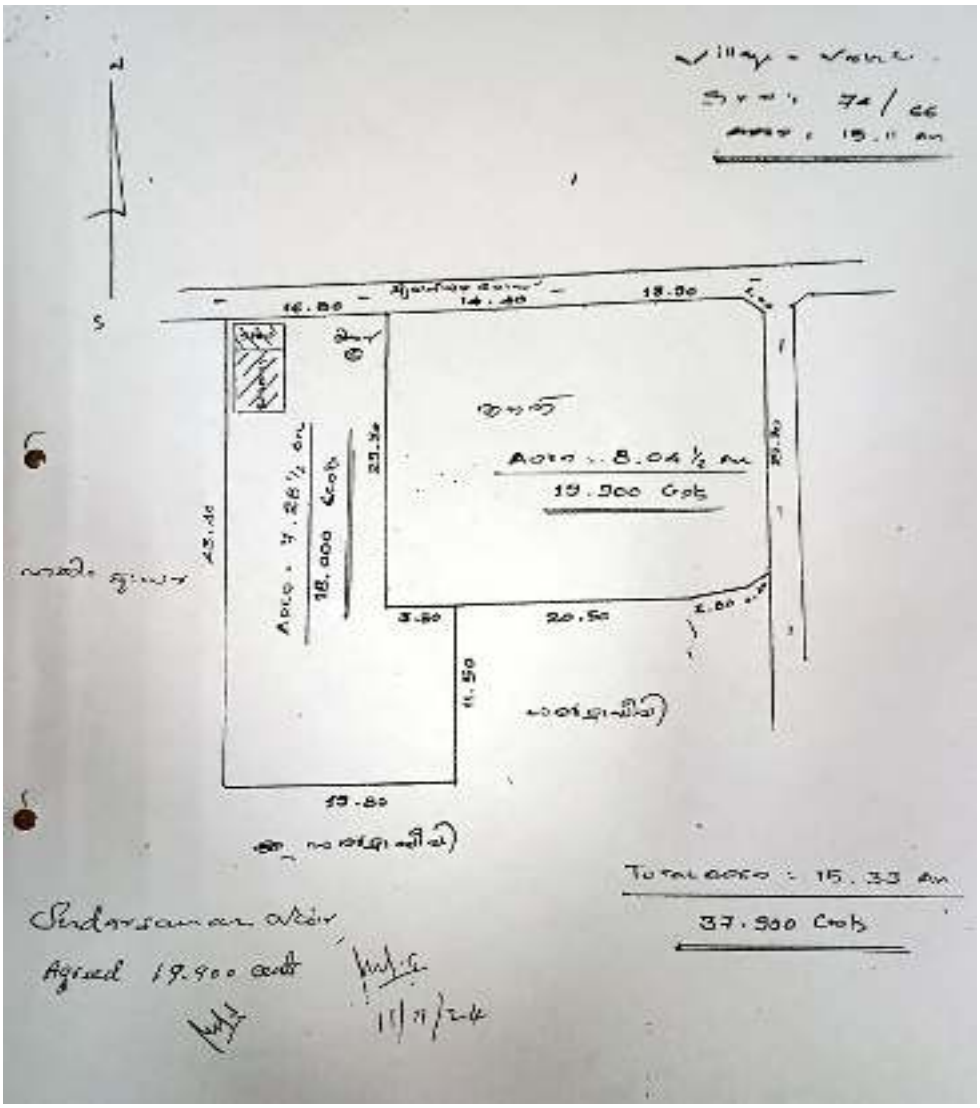
R.Jayachandran

Counsel for the Respondents in RFA 47/20 & appellant in RFA 533/2019

Counsel for the Addl.Respondents in R.F.A.No.47/2020

The above Settlement Agreement is authenticated by me.

Adv. Babukumar P (Mediator)


Village : Vanc
Sy no: 74/cc
Area : 15.11 Ac
N
S
16.50
14.40
18.50
Area : 8.04½ Ac
19.500 Cub
Area : 7.26½ Ac
18.000 Cub
23.30
20.50
3.50
20.50
11.50
19.50
Total area : 15.33 Ac
37.900 Cub
Sindhuvanam ave owner
Agreed 19.900 cubt
11/11/24