

**Simpaul vs Runs Mon**

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**SooperKanoon Citation :** [sooperkanoon.com/1282264](https://sooperkanoon.com/1282264)

**Court :** Kerala

**Decided On :** Apr-04-2025

**Judge :** Honourable Mr. Justice a. Badharudeen

**Appeal No. :** RFA/234/2022

**Appellant :** Simpaul

**Respondent :** Runs Mon

**Judgement :**

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AND DECREE DATED 25.03.2022 IN os No.77 oF 2ol8 oF stn3oRElu  
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9 6 7 0 A. BADHARun EEN, I RF.A. No. 234 of 2022 Dated 04th dry of April, 2025

## JUDGMENT

This regular first appeal has been filed under Section 96 read with Order XLI Rule 1 of .the Code of Civil Procedure,1908, challenging the decree and judgment dated 25.03.2022 in O.S. No. 77 of 2018 on the files of the Subordinate Judge's Court, Manjeri.

2. In this matter, parties referred to mediation. The parties,

viz appellant and respondent, have jointly signed mediation agreement submitted by the mediator, thereby matter has been settled and the memorandum of agreement under Section 89 of the Code of Civil Procedure r/W Rules 24 & 25 of the Civil REEL NO. 234\_ \_OF\_2\_022 2 0 2 5 : KER = 2 9 67 0 Procedure (Altermtive Dispute Resolution) Rules 2008 dated 28.03.202S, .has been prodrced. The same appears to be legal and acceptable.

3. In view of the settlement, the decree and judgment of the trial court stand reversed, and the appeal is allowed in terms of the settlement. The memorandum of settlement shall form part of the first appellate decree.

4. All interlocutory applications pending in this regular first

appeal stand dismissed. Registry is directed to refund the admissible court fee paid in this appeal to the appellant, as per law. Sd/- A. BArmAREFtt=Eli unc HE  
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... dated " . . Of the Honorable High Court of Kerala . . . . . I am to forward herewith Bpo\* Pf the Mediator In. the in-qtter along with the 6ri!osure for .intorma.tipb 8hd nEesary actlri. . . . . Official Einakng!ain Mediatcnd. Centre L~. .'~ End:-i. Reprfe. Of the mediator.

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EL:::iderdateduiT.."n"fttheHighcouriofKeraia.. BEFORE THE HONOURABLE H[GH COURT OF KERALA AT ERNAKut.AM R.F.A.No.234 of 2022 Simpaul Appellant Vs Runs Mom Respondent REPORT SUBMI.FTED BY THE MEDIATOR Mediated, matter is settled. Terms and conditions are attached herewith. Dated thjs the 28th day of March, 2025. --\_-,---I--- Adv. P.T.lose Mediator High Court Mediation Centre EFORE THE HON }URABLE HIGH COURT OF KERALA AT ERNAKULAn4 RF.A.No.234/2022 SimpauL Appellant Vs Runs Man Respondent MEMORANDUM OF AGREEMENT UN)ER SECTION 89 OF THE CODE OF CIVIL PROCEDURE R/W RULE 24 AND 25 OF THE CIVIL PROCEDURE (ALTERNATIVE DISPUTE RESOLUTION) RULES, 2008.

1. The appellant and respondent who are respectively defendant and plaintiff in O.S.No.77/2018 on the files of Sub Court, Manjeri have agreed to settle the matter amicably.
2. The appellant is paying an amount of Rs.39 lakhs to the respondent in full and final settlement Of the entire claim that the plaintiff is having in O.S.No.77Q018 on the files Of Sub Court, Manjeri.
3. The payment refelTed to in clause No.2 is being effected through DD No.2791296 dated 27.03.2025 drawn on Federal Bank Limited, Nilambur Branch. On encashment of the above DD by the respondenvplaintiff, the entire claim in O.S.No.77rao18 stand discharged from the end of the appellant.
4. The entire proceedings in E.P.No.26/2022 on the files of sub courty Manjeri will have to

be closed which is the Execution Petition is filed by the decree holder/respondent to execute the decree in O.S.No.77/2018 and full satisfaction has to be recorded in the E.P. Appellant -- Respondent SIMPAUL RUNS MON (2')

5. Attachments made in respect of the various properties including movable and immovable

will have to be lifted by filing appropriate application in the original side in O.S.No.77/2018 as well as on the execution side whichever is applicable. The applications will have to be moved by the judgment debtor and the decree holder has to specifically give instructions to give consent for lifting the attachment through his counsel appearing before the trial court and execution court when such applications are moved by the appellant/defendant/judgment debtor.

6. The lifting of the attachment has to be communicated to the concerned sub Registry and Village Office and other offices if necessary.

7. Since the matter is compromised through the mediation process the entire court fee paid by the appellant in O.S.No.234/2022 may be ordered to be refunded to the appellant.

8. Likewise if legally possible the entire court fee paid by the respondent/plaintiff in O.S.No.77/2018 on the trial side may be ordered to be refunded to the plaintiff.

9. The parties hereby agree to suffer their respective costs in the matter.

10. There is a criminal case instituted based on a complaint given by the respondent/appellant

before the Nilambur Police Station pursuant to which Crime No.375/2018 was registered by the Nilambur Police. In the said case final report was filed by the Nilambur Police before JFCM, Nilambur. The said court has taken cognizance of the final report as C.C.No. 611/2019 and the same is pending trial. The respondent has agreed to give affidavit for quashing the said

proceedings, which is attested by his counsel. The proceedings for quashing the same has to be initiated by the appellant. Respondent : Plaintiff RUNS MON (3)

11. The respondent agree to engage lawyer for the quashing proceedings mentioned in clause 10 and will ensure the presence of the lawyer on all postings.

12. If necessary the respondent will appear before Station House Officer, Nilambur Police Station and give statement agreeing for quashing the proceedings, specifically stating that he has No Objection in quashing the proceedings.

the 28th day of March, 2025. Appellant's Counsel RE Respondent's Counsel MON VARGHESE.I.KURIAKOSE, MENON COUNSEL FOR THE APPELLANT COUNSEL FOR THE RESPONDENT This settlement agreement is authenticated by mck-Adv.P.T.lose(Mediator)

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