

Rajeev Anand(Died) vs M/S Kerala State Electronics Development Corporation Ltd

Rajeev Anand(Died) vs M/S Kerala State Electronics Development Corporation Ltd

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Court : Kerala

Decided On : Oct-12-2023

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : Ex.FA/6/2013

Appellant : Rajeev Anand(Died)

Respondent : M/S Kerala State Electronics Development Corporation Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
THURSDAY, THE 12TH DAY OF OCTOBER 2023 / 20TH ASWINA,
1945 AGAINST THE ORDER DATED 16.10.2012 IN E.A No.30/2010 IN
EP NO.67/2008 IN OS 195/1993 OF SUB COURT, PALAKKAD
APPELLANTS/CLAIM PETITIONERS: 1 RAJEEV ANAND (DIED)*
AGED 60 YEARS,S/O. LATE ANANDAN, YAKKARA,PALAKKAD. 2
MADHU ANAND, SO.LATE ANANDAN, AGED 57 YEARS, -DO- -DO-
*ADDL. BEENA M.N., APPELLANTS W/O.LATE RAJEEV ANAND,
AGED 59 YEARS, 'ANAND', WEST

3 YAKKARA ROAD, PALAKKAD - 678 014. 4 SACHIN RAJEEV M.P., S/O.LATE RAJEEV ANAND, AGED 35 YEARS, 'ANAND', WEST YAKKARA ROAD, PALAKKAD - 678 014. 5 SARITHA RAJEEV, D/O.LATE RAJEEV ANAND, AGED 29 YEARS, 'ANAND', WEST YAKKARA ROAD, PALAKKAD - 678014. LEGAL REPRESENTATIVES OF DECEASED 1ST APPELLANT ARE IMPEADED AS PER ORDER DATED 18/08/2015 IN IA 2894/2015 IN EX FA. 06/2013 AS ADDITIONAL APPELLANTS 3 TO 5. BY ADVS. P.K.SURESH KUMAR (SR.) K.P.SUDHEER SANTHEEP ANKARATH RESPONDENTS/RESPONDENTS/PETITIONER AND RESPONDENTS 1 TO 4: 1 M/S KERALA STATE ELECTRONICS DEVELOPMENT CORPORATION LTD, KELTRON HOUSE, VELLAYAMBALAM, THIRUVANANTHAPURAM 695 033, REPRESENTED BY ITS MANAGING PARTNER. 2 JAYAKRISHNAN ANAND, PARTNER, ANAND DEPARTMENTS CBA BUILDING, OPP.APSARA THEATRE, KOZHIKODE 673001 -2- 3 MANJU (TANUJA) WO.LATE VINU ANAND, ANAND, WEST YAKKARA,PALAKKAD - 678 001 4 ANANDAN SO.LATE VINU ANAND -DO- -DO- 5 AMRITHA ,D/O.LATE VINU ANAND, ANAND, WEST YAKKARA PALAKKAD NO.3-5, NOW RESIDING AT SBI COLONY, RAMANATHAPURAM, PALAKKAD - 678001. BY ADVS. SRI.S.M.UNNIKRISHNAN SMT.M.A.ZOHRA THIS EXECUTION FIRST APPEAL HAVING COME UP FOR FINAL HEARING ON 12.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

(Dated this the 12th day of October 2023)

The parties were referred for mediation as per the order

dated 05.07.2023. The mediator has informed through the report that the matter has been settled, and the memorandum of agreement under Section 89 of the CPC, read with Rules 24 and 25 of the Civil Procedure (Alternative Dispute

Resolution), Rules 2008, is also attached. The appellant, the respondents, and their respective counsel have signed the agreement. I have gone through the compromise, and the terms are not illegal and opposed to public policy.

2. As per the agreement, the decree-holder in E.A

No.30/2010 has agreed to settle the dispute involved by payment of Rs.25,44,273/- (Rupees Twenty five lakhs forty four thousand two hundred and seventy three only) towards the full and final -4- settlement of all the dues payable to the decree holder, KELTRON within 4 months from the date of agreement i.e. (within 04.02.2024). Therefore, Ex.FA is disposed of recording the settlement agreement between the parties. The settlement agreement shall form part of the judgment. Sd/- BASANT BALAJI JUDGE JS

ERNAKULAM MEDIATION CENTRE . (1st FLOOR COURT HALL) I . (2nd floor, c19ove_Bldg..High Court Bldg. . Emakulam, . Kochi-3L(P :0484-256.2238) From The Nodal Officer, High . Court Mediation Centre. To The Registrar Uudidal}. High Co1..trt f Kerala; Ernakulam. Sir, Subject : Mediation .of case referred by : reg.. . . f . _ . t) tA, 013- Hon'ble High Court of Kerala - . : . . Ref. Referral Order,,n...\$ -dated ..f,7./.. :J:... of the honorable High Court of Kerala . ' }/: --:a-- 't\J/' 11 am to forward herewith Report of the Mediator in the matter along with . enclosure, . osures for . rnf qmatl(?n a n d 'th th - ' n "e ' sary c t ion.. . Yours Faithfully, Nodal Officer, . Ernakulam Mediation Centre / : . Encl:- 1. Report of the Mediator, Settlement. g,::eement . 2. copy of the referral order dated a.f.pr.n '?.-'. \$of the High Court of Kerala.. 3. Copy of the Petition.. I . ,) j BEFORE THE HONOURABLE HIGH COURT OF KERALAAT ERNAKULAM Ex. RA. No. 6 of 2013 Rajeev Anand (Died) & Others Appellants

Vs. Mis. Kerala State Electronics Development Corporation Ltd (Keltron) & Others. Respondents REPORT SUBMITTED BY THE MEDIATOR SRI.ANTONY .P.S. Mediated. The matter is settled. Settlement Agreement is attached herewith. Dated this the 4th day of August, 202 Sri.Antony P.S. Mediator Emakulam Mediation Centre BEFORE THE HONOURABLE HIGH COURT OF KERALAAT ERNAKULAM Ex. F.A. No. 6 of 2013 Rajeev Anand (Died) & Others Appellants Vs. Mis. Kerala State Electronics Development Corporation Ltd (Keltron) & Others.

Respondents

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:

The real parties to the above dispute being the Appellants/Claim Petitioners and Respondents 2 to 5 as Judgment Debtors on the one side and the 1st Respondent M/s. Kerala State Electronics Development Corporation Ltd (Keltron, the Decree Holder), they agree to settle their dispute on the following terms and conditions:-

1. It is agreed by both parties that the above appeal arises from the attachment of the property

belonging to the defendants in the Suit O.S No.195/1993 to the extent of their share in their mother's property and the same being purchased by the claimants contending without knowing about it hence their claim by way of E.A No.30/2010 in E.P No.67/2008 filed by the 1st respondent, KELTRON to realise the decree amount allowed in their favour in O.S No.195/1993 on the files of the Sub Court, Palakkad. The said E.A No.30/2010 was dismissed and hence the above Execution First Appeal is preferred by the claimants/Appellants.

2. The parties being claimants and 1st Respondent, the Decree holder in E.A.30/2010 have

agreed to settle the dispute involved by payment of Rs.25,44,273/- (Rupees Twenty five lakhs forty four thousand two hundred and seventy three only) towards full and final settlement of all dues payable to the Decree holder KELTRON within a period of 4 months from today i.e., which is processed by KELTRON for administrative sanction.

3. It is agreed by both parties that once payment is affected, the attachment prevailing over the

decree/plaint schedule property in OS.No.195/1993 on the files of the Sub Court, Palakkad can be lifted forthwith and that the 1st respondent's entire claims stands realised in view of the payment as per this settlement. It is also agreed that in case of default, the Appellant loses their right to sue for interest and E.P No.67/2008 in, the order of the court.

1. / cu.

II 12.e &--ci _ \ e. X\ 0 , J'o'2- c "1><::; '(\Q i oti.' 'f f -f-0 : ,:'.':":2.---:- (2) OS No.195/1993 on the files of the Sub Court, Palakkad can be proceeded with by KELTRON, the 1st respondent for realisation of full decretal amount with 12% interest per annum and costs incurred there on without further objections raised by the parties to the appeal. Hence it is humbly prayed that this Hon'ble Court may be pleased to record this settlement agreement and dispose of the above Execution First Appeal in terms of this agreement in the interest of justice. Dated this the 4th day of October, 2023. Appellants 2-5 & 1st R. 'll...,,u,d'ent(KELTRON), Respondents 2 to 5 Authorised Signatory, Mr. Prabheed.K.R. er) I.Madhu Anand JL(.YQ...QQ cf

2. Beena M.N. Co -:_

3. Sachin Rajeev /

4. Saritha Rajeev /'h L - .J .,,

5. Jayakrishnan Anan , ..

6. Manju (Tanuja) g2_-.

7. Anandan A::J,..- 8.Amritha IJ2- .. w \.t\(\ \ \ , kv\ Standing Counsel for Respondent No.1

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