

Zeenath vs K.P.Ahammad

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SooperKanoon Citation : sooperkanoon.com/1444864

Court : Kerala

Decided On : Feb-10-2022

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : RP/647/2021

Appellant : Zeenath

Respondent : K.P.Ahammad

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
THURSDAY, THE 10TH DAY OF FEBRUARY 2022 / 21ST MAGHA,
1943 RP NO. 647 OF 2021 AGAINST THE JUDGMENT IN RFA
595/2013 OF HIGH COURT OF KERALA PETITIONERS/APPLICANTS
SOUGHT TO FILE REVIEW PETITION WITH LEAVE :- 1 ZEENATH
AGED 49 YEARS W/O. ABDU K.P, 3/2434, KUNNUMMAL,
NADAKKAVU S.O, KALATHINKUNNU AMSOM AND DESOM,
KOZHIKODE TALUK AND DISTRICT, KOZHIKODE 11, PIN-673 011. 2
SELMA K.P, AGED 30 YEARS D/O. ABDU K.P, SELMA MANZIL,
NADAKKAVU, NADAKKAVU S.O, KALATHINKUNNU AMSOM AND
DESOM, KOZHIKODE TALUK AND DISTRICT, KOZHIKODE 11, PIN-

673 011. 3 AJMAL K.P, AGED 24 YEARS S/O. ABDU K.P, KUNNUMMAL THAZHAMVAYAL, NADAKKAVU, NADAKKAVU S.O, KALATHINKUNNU AMSOM AND DESOM, KOZHIKODE TALUK AND DISTRICT+, KOZHIKODE 11, PIN-673 011. BY ADVS. PHILIP ANTONY CHACKO N.V.PAUL RESPONDENTS/APPELLANT & RESPONDENTS 1 TO 5, 7 & 8/PLAINTIFF & DEFENDANTS 2 TO 6, 8 & 9 :- 1 K.P.AHAMMAD AGED 49 YEARS S/O. ABDURAHIMAN, KUNNUMMAL HOUSE, KALATHINKUNNU AMSOM DESOM, P.O. NADAKKAV, KOZHIKODE 11, PIN-673 011 2 K.P. ABDULLA KOYA, AGED 65 YEARS S/O. ABDURAHIMAN, SONIYA NIVAS, POOZHIL, BHAT ROAD, KACHERI AMSOM DESOM P.O, WEST HILL, KOZHIKODE, PIN-673 005 3 K.P. KASIM, AGED 63 YEARS S/O. ABDURAHIMAN, THAPPARAPPIL HOUSE, PUTHUR, PUTHIYANGADI AMSOM DESOM P.O, PUTHIYANGADI, KOZHIKODE, PIN-673 021 4 K.P. SAFIYA, AGED 57 YEARS D/O. ABDURAHIMAN, KURUPPANVEED PARAMBA, NADAKKAV P.O, KALATHINKUNNU AMSOM DESOM KOZHIKODE TALUK, PIN-673 011 5 K.P. AKBAR, AGED 55 YEARS, S/O. ABDURAHIMAN, VENGALI, PUTHIYANIRATH, P.O. ELATHUR, ELATHUR, KALATHINKUNNU AMSOM DESOM, KOZHIKODE, PIN-673 303 6 K.P. PATHIBI, AGED 53 YEARS S/O. ABDURAHIMAN, ROUSHEEF MANZIL, POOZHIL, BHAT ROAD, KACHERI AMSOM DESOM, P.O. WEST HILL, KOZHIKODE, PIN-673 005. 7 K.P. LAILA, AGED 47 YEARS D/O. ABDURAHIMAN, NEAR THALIKULANGARA MADRASA P.O, MANKAV, VALAYANAD AMSOM, DESOM, KOZHIKODE TALUK, PIN 673 007. 8 K.P. ASHARAF, AGED 45 YEARS S/O. ABDURAHIMAN, KUNNUMMAL HOUSE, 3/2434, VELLAYIL KALLADINTEKAM, PARAMBA, KALATHINKUNNU AMSOM DESOM, P.O. NADAKKAVU, KOZHIKODE, PIN-673 011 THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10.02.2022 ALONG WITH R.P.NO.141 OF 2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
THURSDAY, THE 10TH DAY OF FEBRUARY 2022 / 21ST MAGHA,
1943 RP NO. 141 OF 2021 AGAINST THE JUDGMENT IN RFA
595/2013 OF HIGH COURT OF KERALA
PETITIONERS/RESPONDENTS 1 TO 5, 7 & 8/DEFENDANTS 2 TO 6, 8
& 9 :-

1 K.P.ABDULLA KOYA AGED 73 YEARS S/O. ABDURAHIMAN,
SONIYA NIVAS, POOZHYYIL, BHAT ROAD, KACHERI AMSOM,
DESOM, P.O. WEST HILL, KOZHIKODE, PIN-673 005. 2 K.P. KASIM,
AGED 70 YEARS S/O. ABDURAHIMAN, THAPPARAPPIL HOUSE,
PUTHUR, PUTHIYANGADI AMSOM DESOM P.O, PUTHIYANGADI,
KOZHIKODE, PIN-673 021. 3 K.P. SAFIYA, AGED 68 YEARS D/O.
ABDURAHIMAN, KURUPPANVEED PARAMBA, NADAKKAV P.O,
KALATHINKUNNU AMSOM DESOM, KOZHIKODE TALUK, PIN-673
011. 4 K.P. AKBAR, AGED 60 YEARS S/O. ABDURAHIMAN VENGALI,
PUTHIYANIRATH , P.O. ELATHUR, ELATHUR AMSOM DESOM,
KOZHIKODE, PIN-673 303. 5 K.P. PATHIBI, AGED 58 YEARS D/O.
ABDURAHIMAN, ROUSHEEF MANZIL, POOZHYYIL, BHAT ROAD,
KACHERI AMSOM DESOM P.O, WEST HILL, KOZHIKODE, PIN-673
005. 6 K.P. LAILA, AGED 50 YEARS D/O. ABDURAHIMAN, NEAR
THALIKULANGARA MADRASA P.O, MANKAV, VALAYANAD AMSOM
DESOM, KOZHIKODE TALUK, PIN-673 007. 7 K.P. ASHARAF, AGED
45 YEARS S/O. ABDURAHIMAN, KUNNUMMAL HOUSE,
KALATHINKUNNU AMSOM DESOM, P.O. NADAKKAV, KOZHIKODE,
PIN-673 011. BY ADVS. P.M.SEBASTIAN SRI.JOSE ANTONY
RESPONDENT/APPELLANT/PLAINTIFF :- K.P.AHAMMAD, AGED 53
YEARS S/O. ABDURAHIMAN, KUNNUMMAL HOUSE,
KALATHINKUNNU AMSOM DESOM, P.O NADAKKAV, KOZHIKODE,
PIN-673 021. BY ADV V.V.SURENDRAN THIS REVIEW PETITION
HAVING COME UP FOR ADMISSION ON 10.02.2022 ALONG WITH
R.P.NO.647 OF 2021, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

ORDER

Review Petition No.647 of 2021 has been filed by the petitioners, the legal heirs of the 6 th respondent in RFA No.595 of 2013.

2. RFA No.595 of 2013 was disposed of by this court

as per the compromise entered between the parties in mediation. The settlement agreement entered between the parties was accepted by this court and the appeal was disposed of in terms of the agreement dated 27.11.2019.

3. By this petition, the legal heirs of the 6th respondent

contended that in the agreement entered into between the parties, the signature of the 6th respondent was not seen affixed. It is revealed that he expired before the settlement arrangement. Hence, they have filed this review petition challenging the agreement. Seeking the very same relief the respondents 1 to 5, 7 and 8 have also filed R.P.No.141 of

2021. After filing these petitions, all the parties agreed for a

further settlement talk and again the case was referred for mediation with the legal heirs of the 6 th respondent. Thereafter, due to the intervention of the mediator, the matter has been settled accepting the very same terms and conditions as per the earlier agreement, impleading the legal heirs of the 6 th respondent also in the array of parties.

4. The mediation report dated 24.01.2022 is accepted.

Hence, the judgment dated 12.12.2019 in RFA No.595 of 2013 is to be re-called and modified rectifying the mistake. In the result, both these petitions are allowed as prayed for. Judgment dated 12.12.2019 is re-called. Sd/- SHIRCY V. JUDGE
SMA

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