

Sujatha vs Vender Sreekrishna Swami Kshethram Charitable Trust

Sujatha vs Vender Sreekrishna Swami Kshethram Charitable Trust

SooperKanoon Citation : sooperkanoon.com/1474022

Court : Kerala Orders

Decided On : Oct-06-2022

Judge : Honourable Mrs. Justice M.R.Anitha

Appeal No. : RSA/277/2018

Appellant : Sujatha

Respondent : Vender Sreekrishna Swami Kshethram Charitable Trust

Judgement :

IN rmE HIGII count oF KERAIA AT ERNaKulnM PRESENT "E HONOURABIE Id RS. JUSTICE M.R.ANITEIA TELuRsmr, TRE 6" mr oF ocro BER 2022 / 14" Aswl RA, 1944 RSA NO. 272 OF 2018 Ai GZLINST THE JtJz}n NT IN as 67/2ol2 oF SUB oc)URT, Kh RIJNZ`IGhppAniT os 558/igg8 oF MUNSl FF cou RT, Iro TTARAKKARA App EIIANIS/ADI)L.AppElNANTs IN A.s. 6 IR's oF pl AINTIFF IN gulp:

SUJATm D/O. BHANUMa THI Am4a, AGED 52, RAT BHAVAN, MalooR p,O. , pATHaieApu RAM, Now RESIDINc ziT pERTJRATTu vEEDu, vElia AR m7RI , WTHOOR vILlj RE , roTTARasoGn RA, ro LI", pIN-691 507. G.S.SINE)HU @ RAOI S. SINDHU RED 30 YEARS D/o. su4ATHA, RAT BflAvnN, MalooR p.o. , pAmAiaAp(7RAM, KOLijM, Now RESIDINc AT pERURATTu vEEDu, VENDAR rmml , PUTHOOR vlllAca ,

tr.inFtAECEchRh, tuj`b8, i.lst-'6`9i 5`07 ` Fr owe. SRI. T.ICRISHNa
NUNNI (sR.) SRI.ASHWIN SATHYANATH sum . H . R . hum SMI .
REERA . A . `s RI .vl NOD RAVlroRAitAtj] SRI.VINAY RATt EW
JOSEPH

RESErONDENTS/REsp ONI)ENTs Alto ADZ)L.REspONDENTS IN A.s.
AND DEFENDANTs 1, 3 TO 6 a L.R`s OF DErn DAIT ro.2 a 7 IN sulT=

*1 G.copnmTHz`N PILIAI (DIED] AGED 64 Y- s/O. covlNmN PILIAI,
PERUKA,TTu PUREN v EEI]u, vENmR, PUTHOOR, ro TTARAKKARA,
Ero LIAM, pIN-691507. [IT Is REccro ED TinT TEE Ist REsporo ENT
Expl RED As PER o RDEF` DATED 7.2.2022 IN MEMO DATED
01.10.2021 IN R.S.A.272/2018] a. RExsoas REI) 45 YEARS s/O.
mNARDmiaA Eunup, pERI7KATTu PUTHEN vEEDu, VENDAR MURI ,
REDuv ATHOOR vl LIAGE , mco4 sREESHyl AM, MnNAIcKATTu m7RI ,
MyNAGzippAIely vlLIAee, ro LIAM, pIN-690 519. A. HAREfsH ICLmR
:h:ffiD io yEaRs s/O. AppuKUTm LN plll AI , TREVAIAEURAM
pANDIN4ARu Mtj RI , REI]uvATHc OR vlI4AGE , IroTTARAKKh RA-691
5o6. a. NAFIAYANZI P114AI RED 8o yEas s/O. SANKARA PILIN ,
vAlAyANATTu vEEDu, vEro AR MURI , EurTELcoR vl LI.Aer ;
roTTziRhfcKaRzi-691 5o7. a. sz\RADAMa NI DEvl REI) 75 YEARS D/O.
BHAVENI jLrm, cHaerol}Ay AM, NEEmsw ARAM MURI ,
KOTTARARECARA VIId AGE , Ito TTARAICKARA-691505.

R.S.A.Nos.272, 277 & 440 of 2018 Irol RA BEN AGED 73 YEus w/O.
BEIASKARAN -vl-rihds ita,IR, sAJu Emv:EN, , 'rdb-riaEtaiani`i-6-9`i 5@j
.. THEKKUMpu RAM MURI , PUTHOOR

sA4uKUMm AGED 48 YEARS s/O. BIIASKARAN NzilR, sA4u BHAVAN,
THEECEcuncam AM Mi7RI , p(7THOOR vlLiAes , roTTARAKKh RA-691
507. 814uHuMan RED 43 YEARS a/O. BHASKARAN it AIR, sAJtJ
BHAVAN, THEREanmi RAM m]RI , Eu"c OR VIIJIJRE ,
KOTTARAICKARA-691507. 3HX2L AGED 43 YEARS w/o. HAREESH
KUMnR, PARACEcal. VEEI]u, THEVAIAAppuRzo4 REST, is-D-tjvini-Eta -

v-l-riaae , -ri6EiriRri HRA-6-9-1 5-06 . 10 sREEm RI oil NOR) AGED 15
 YElus s/O. HAREESHeaiMaR & 4AyA, pARACKaL vEEDu, Tm=vAiAppu
 RAM PEST, NEDuv ATHUR vlnAer , KOTTARAKKARA-691 5o6, f
 GPRESENTED 8 Hls ro TRER Aiili a IARI>IAN dAyA (REsrotil]ENT NO.
 9) . 11 mJRa!m RI (MIroR) RED 15 YEARS a/o. ELREESl]KUMaR a 4zi
 TA, PARACKAL vEEDu, THEVAIAppuRlo4 west, REl}uv ATHUR vl
 LIACH= , EcoTTARAKKa RA-6915o6, REPRESENTED BT I]IS
 COTHER AND Gti ARDIAN JAVA (REPOREENT NO. 9) . 12 srv AHARI
 (MINOR) RELi 11 yEas s/O. ELasEE8Hla"aR & dAyA, paRnc KZLI,
 vEEDu, TREvalapHm AM REST, REDtrv ATHUR vLIj RE , roTTARAic
 KARA-691 506, REPR=s ENTED Elf Hls MOTInR Alto Gnla RDIAN
 JAYA (FGSPONDENT NO.9) . 13 GIREESH KUMhR AGED 49 YEARS
 /6 ` -EaRa5-ri ibaah, biRaaizaL -v==b-a , ii-riE-vifeE>-tfaaira -faE ,
 RED!rvATrmiR vllAncE , roTlaRAKEGn RA-691 5o6. 14 SFUEE- AGEI)
 55 YEARS D/O. BARATHI AIOuA, I)ARACKAL VEEDU,
 TREVAIAPPURAM REST, REI)UVATHUR VILIAGE , Ec
 OTTARZIKKARA-691 506.

[APEq=IIJ`iiT NO. 1 , K. BHAen]Ma LTEI Ab04k DIEI> pEimneG Tin
 AppEnL Alro HER L.R'S WERE IMPLAI)ED AS ADDL. APPELENTS 2
 & 3 WHO ARE THE APPELLANTS IN THIS R.S.A. I [Eurspo NI)ENT
 No.2, M. BHASKARAN it AIR AND REspero ENT No.7, K.BHARATHI
 AB04A DIED PENDING THE APPEAL AND THEIR I..R. 'S WERE I-riip-
 IErii}i@ i iEii>-I -k=-b6fo=-riis 8 -16 -14 2Lfo -is a -16 -RE3pj:6i-ri7i:-I-] RI
 BY ADV SRI.CHORE VARGHE5EPELku MP ijctjl:IIII. SRI.A.R.DIIId=Ep
 (er`v EATOR)

TElls REcul AR sEcroro App EAI. HAVING COME up roR ADMlssloN ON
 o6.io.2022, AnoriG wl TH Rsa.277/2018, -440/2018, Tin cou RT CIN TED saEd=
 Dz`r I)ELlv ERED THE FOLrm ING: R.S.A.Nos.272, 277 & 440 of 2018 IN THE
 I]IGH COURT OF KERAIA AT ERNZLKul AM PRESENT TIRE HONOURABLE
 MRS. Jt JBTIC= M.R.ANITEIA TH`)RDAr, "E 6" in:ir oF OCTOBER 2022 / 14TII
 ASwnm, 1944 RSA NO. 277 OF 2018 AGAINST THE ruDen NT IN As 6/2oi2 a
 A.s.Na.39/2oi3 oF SUB crot]RT, KAF`ina AGAPE>AILy os 5o6/igg8 oF m7Nslrr

count, roTrARAKKa RA

AppELLANTs/ADI>I..App EIIANT ro.2 AND Fq=sEroNDENIs 5, 6 IN A.s.NO.6/2oi2
& AppELIANTs IN A.s.No.39/2oi3 AND DEFTNDANTs 3 ro 5 IN suLT. :

8UJAm D/O. BHANUMa THI Am4A, AGED 48, Ft AO SHAVEN, MALc
OR p.O., pATHANApU RAM, Now REsI DING AT p ERI]KhTTu vEEDu,
vENDziR mml , PUTHc OR VILIAGE , KOTTARAKEGARA, KOLIAM,
PIN-69I 507. G.a.SINI)HU @ RZLJI a. SINDHU REi) 28 Eng D/O. sud
ATHA, RAT BHAVEN, MalooR p.o. , pATHANZLpu RAM, ro LLZIN, Ncw
REsI DING AT pEFujRATTu vEEDu, vEro AR Dn]RI , puTHc OR vl
LIAGE , KOTTAF!AKEca RA, rol4[EN, pIN-6915o7. sc4aRAdaN RAIR
AGED 50 YEARS roLIj IN, Ncw REsI DING AT pERVIRATTu veEDu, ve
NDAR M`ml , puTHooR VIIAAGE, KOTTARAICKARA, KOLIAM, PIN-
691507. EFT ADVS. SRI.I.KRISHNANUNNI (SR.) SRI .asHwIN
sATHTAi&ATH an.ut.a,tlllstl SMT . REERA . A . SRI .vl NOD
RAvINDFLm TH SRI .Viltz`Y RATREW .OSEPH

REspONDENTs/REspONDENTs 1 ro 3 IN A.a.NO.39/2013 AND NOT pARTIEs IN
A..ro.6/2oi2 AND REspoNDENIs 1, 2 AND 4 ro 11 IN A.s.No.39/2oi3 AND
plAniTIFFs AND eeoT ah RTI=s IN suLT:

VENDAR sREERC RISHNA s"AlI KSHETHRAM CHARITABLE TFtt7sT
vEro AR, ro"c OR, EcOTTARARlca RA TAm7!c, ron AM, pIN-691 5o7 ,
REPRESENTED BY ITS E'RESENT SECRETARY G. COPIRATHAN
PILIAI. *2 G.GOPINATEIAN PILIAI (DIED) RED 64 yEne s/O. covnm AN
pl LIAI, AGED 64, pERI7IchTTt] RITEmN vEEDu, v ENI>AR, PUTHOOR,
KOTTanAKKa RA, ro LI", pIN-691 507. LIT Is REco RDEI) TELziT Tin
2ND REspero ENT ExplFt ED As PER o RI>ER DpimD 7.2.zozz IEN
bnMo DATED 1.1o.2o21 IRT R.s.A.277/2oi81.

R.S.A.Nos.272, 277 & 440 of 2018 GopAlAKRIsEnaA pl LIAI AGED 54 TEAs s/o.
mmmls HRA PII.lAI, AerD 54, pERI7RATTu PUTREN vEEDu, vE;NDAR, pumooR,
KOTTARA!cca RA, KOLI", E>IN-691 5o7 ,. Irol FIA BHAI AGED 74 YEARS w/o.

BHASRARAN NziR, sAiu BHAVAN, TREKKurfpu RAM ifl7RI , p{7mooR SJ-vLIAes, roTTARAKKzi RA, ro LI", pIN-691507.

AGED 49 YEARS s/O. BHASKaF`AN RAIR, sAJu Blt AVEN, THEKKL"puF`AM DJRI , PUTHOOR vl LIAGE, roTTARAKKARa, roll.EN, pIN-691 So7. BlduEaine j RED 44 YEus vLIAAee , Ero TTARAK]czLRa, ro14Ai4, pIN-691 5o7. RAEIUL S. NZIIR RED 28 yEas S/O. SUJATf IA, PERIJKATTU VEEDU, VENDAR M(JRI , PU"OOR VILIAGE , KOTTARAKKa RA, KOLLAM, pIN-691 5o7. sANEcaF`A plLml ACID 76 YEARS s/O. BHANum THI Arm, MENGAIAThU TREKKATI]II ARILEq KUNNEN, SASTHAMCOTTA-682 313. ENITm DEvl JRED 69 YE,us - D/6. -B-ri2ilfiindhi5`ril j]indA, a-ri=-Rijvi-riihii.-giv -wit:-l]`t} , ii-ritinE>fahabiri -to-Ri.`ri -p. 6. ,

EIAvun4THITTA, pATHAit AMTI]ITTA-689 625. 10 COPAIKRISHNA PILIAI AGED 64 rEaRs (FATHER'S Nzllc NOT ENOEN TO Tfe APPELENTS) , SREEVIIASAM, loNall., pARzrvcroR p.o. , KOLI"-6913ol. R2 EFT revs SRI.GEORGE vj RERESE {pERUMPELItco TTIII.) 8RI.A.R.I)IIJ=EP (CAVEATOR)

THIS RECUIAR SECOND APPEAL. HAVING Cc OG UP FOR ADMISSION ON 06.10.2022, AIJONG wl" Rszi.272/2oi8 Awl) R.`s.A.44o/2oi8, urn cou RT oN TEE .gab:u DnT DELIVERED THE roLlowl NG: R.S.A.Nos.272, 277 a 440 of 2018 IN Tile Hlc!! cOu RT OF RERAln AT ERNzilcul AM PREBENI TEE HONOU RABIE MRs. rusTlch= M.R.ANITHA TH`JRsm, THE 6m RAT oF OCTOBER 2022 / 14TII ASwn IA, 1944 RSA NO. 440 OF 2018 AGAINST "E ORDER/du]jd=NI IN As 61/2012 OF SUB -CCORT, RARImz`GAppAILy Os 495/1998 OF in]Nsl FF cOu RT, KOTTARAKKARA .AppELIANrs/App EI,ENTs/pl.AINTIFF's_:

F`Arl s.8INI)Hu AGED 30 YEus -D/6 `bja-rfu, -rds-l-D-l-give ij -ida -riir-wirfu , iinab-R -fo, -pHE`riarihEtjRaba, roTTARAIOGaRa Ti Al.uK. Sud ATHA AGED 51 EARS, I)/o BHANUMA"l Amm,REsl DING AT RAT BHAVEN, Mhl, OOR co, pATHANApU RAM, roTTARAICEch RA TELUK. EY ADVS. sum . MEERA . A . SRI .AsttwlN aATHyAit ATH ar . M . R .

RERESEicoomtTs/REspchtDmtTs/DEREiu}Aiars:

BHANTj MATHI Arm, (DIED) (LEGnl. HEIR REc ORI]EI]) Ace en iEas, /o
ica RTZIT:arx NI amfi,REsIDEEg az HRtHcaflT{7 vEEDu, VENDAR
MURI ,v ENDAF` Eo, PUTHooR Vln AGE , KOTTARAKKARa, PIN-
691507 . (IT IS RECORDED THZIT RESPON)ENT NO.1 DIED ANI)
APPELENT NO.2 IS TErn Id3GaL HEIR OF I>ECEASED isT REsp
ONDENT As PER ORDER I)ATED 07.02.2022 VII)I MEMO DATED
18.12.2021.) B!msacaRal alalR fDIEz)] {LEanL HEIz5 REcoztD5z})
AGED 71 YEARS, a/O KESAVA PILIAI, RESIDING AT SAa JU
BHALVEN`, TH=loc[rEng RAM ea7RI I, ptrTllooR Po-,
KOTTARA!ocaRa,l, plw-6915o7 `. Gop INATHA pln AI, (Dlm -REco
REEI]) AcaD 72 yEARS, s/O covlNnA pl LIAI, REsI DING AT
RERUKATTu ro TREN vEEDu, vENn AR MURI , PUTHOOR vll AACH=
,KOTTARAKKARA-691507. (I.I I.s .RERz)=D .Tlla:T `mzE See
`RE.SPo=aIT EXPIRED ai 2.`0.2021 As PER ORDER DATED
06.10.2022 VIDE MEMO DATED 01.10.2021.) leiDIRa BHal [DIEI> I iRs
REc OREED] AesI) 77 TEARS, w/o BHASKz\RaEI i IAIR, sAru BHAVAN,
THEKEcupu RAM MURI , PUTHOOR pO, roTTARAREczi RA, plN-691
507. sAru raJMaR, (sTRI7cK OFF) AesD Si EARS, s/a BHAszi=a REN
RAIR, sAL7tJ SHAVEN, TREKKup(RAM eou RI , PUTHooR po,
roTTARAKKARli, plN-6915o7.

R.S.A.Nos.272, 277 & 440 of 2018 Blru KLmaR, (`sTRucK OFny AGED 46
YEARS, S/O BHASRARAN laalR, sAru BHA:VAN, THEKKUEru RAM MURI ,
PUTHOOR PO, KOTTARAKKARA, PIN-691507.

IT Is EEc ORDED TEIAg R2 A)D RA DIED AID TZHIR IEa AL HEIRs
ARE AIREADy IN THE pARTy ARRAy As REsporil>ENTs 5 AND 6 As
PER THE QBI)ER DAED Q6.l.a.2o22 ni iniso DanD ia.i2.2o2|..) 'p EHI
"zil4Es CTF RESEEEcri"-uE-iETs 5 AHD 6 ARE sTEalcac OFF zn TRE

RzsK oF THE APPELLi ENTS AS PER ORDER DATED 17.06.2022 IN
 IA.2/2022. ail-D-l..Rj aaii5-ria b=-vl , {sE-give-k 6EE`i D/o.IAm
 BIIAN(mTzll Am4A, .lGh RTHIRA. , MaitiihN NaGiaR p . o . ,
 PEFtt7Mpul.IREAL. , PANDAIAM, pATHANAnor HITTA DisTRlct , pIN-
 683 52o . ADDL. Re SHABVKARZL plLml , (sTRI7cK OFF) a/o. Ram
 BHANun"l Anon, mNcal ATH THERETf]IL,Ayl KANAM,sHASTHAMFro
 TTA p.O. ,ro LIEN, pIN-69o 521. ADDL. R9 REMrA, (s TRI}c:K OFF)
 RED 35,D/o.IAH ooaalAmlszlNa, pll.lAl, {soN oF "zE lam BHANUMLTHI
 Ai04A) , .SREE vll ASAM. ,rcooNAyIl, p.o. , pizLRavcoR,ro LI", PIN-
 691302. ADDL,Rio RESHMa, (sTRuclt off) AGEI) 32,D/O.IATE
 GOPAIKRISHNA PILIAI, (SON OF THE IATE E]-riamj]ai'ni abaa`i , l. 3-
 RES -vi-Lin`. ,-\*cO'iili-yl`L p .a . , pnRz`vooR, ro LEN, plH-69i 3o2 .
 ADDI..RII RAGINI, (STRUCK OFF) AesD 3o,D/O.THE in:TE cOpAlArmlsi
 INA pl LIAI, (son OF THE IATE Bf IANUIA"l Ab04A) ' SREE VIIASAM' ,
 Kc ORAYII. P.O. ,PARavcoR,KOL",pIN-691 `(taesrmmii`g 3o2-OFF 7
 `TO 11 a RE .g`mu`cK . rma TRE pj`z`:giv aRRay as eR

ORDER DA"D 06.10.2022 IN IA.3/2022.)

(TEE IEGAL HEIRs OF l)ECEASED lSt REsp ONI>ENT ARE
 n4pl.EAl]EI> As ADl)ITIONAL R7 TO RII AS PER 0EOER DATED
 10.03.2022 IN IA..2/.202|.-) ADDI.. Ri 2 RA)orofnN AGBI) 62 Ejdas /o.
 covnm AN HAIR, pR=s ENT PRESIDENT oF VENDAR
 sREEKRIsHNAsnarmr KSHETHRAM CHARITABIE TRUST,RESIDING
 AT 'SENTHIM' ,VENDAR p.o. ,roTTARAlc KARA, pIN-691 5o7 .
 {ADDZ7,R12 I.S IMPLEAD=D AS PER ORDER Dj!RED 17.06.222 IN
 IA.1/2022 .) R3 Blr Al)vs. SRI. cd=oF{ca VARCHESE [p ERI]MPAl.l.lIcu
 TTIII,) g RI .A. R . DIJ3EP R12 8 Adv.SRI.A.R.DImEp

THIs REcul AR sEc OND App EAL HAVING ccha up FioR ADMLssloN ON
 o6.io.2o22, Alo NG wl TH RSA.272/2oi8 a R.s.A.277/2oi8, TEE cou RT oN THE
 SAID l)Ag l)ELiv ERED THE FOLliow ING: R.S.A.Nos.272, 277 & 440 of 2018
 ccmorm .JI]D@fl HT [RSA Nos.272/2018, 277/2018, 440/2018]

R.S.A.No.272/2018 has been filed against the judgment

in A.S.No.67/2012 on the files of Subordinate Judge's Court, Karunagappally, which arose out of the judgment in O.S.No.558/1998 on the files of Munsiffs Court, Kottarakkara.

2. R.S.A.No.277 has been filed against the judgment and

decree in A.S.No.6/2012 and A.S.No.39/2013 on the files of Subordinate Judge's Court, Karunagappally, which were filed against the judgment and decree in O.S.No.506/1998 on the files of Munsiff's Court, Kottarakkara.

3. R.S.A.No.440/2018 has been directed against the

judgment in A.S.No.61/2012 on the files of Subordinate Judge's Court, Karunagappally which in turn arose out of the judgment

and decree in O.S.No.495/1998 on the files of Munsiff's Court, Kottarakkara.

4. On 17.06.2022 when the above R.S.As were taken up, the learned counsel for both sides submitted that the matters can be settled in mediation and accordingly the cases were R.S.A.Nos.272, 277 & 440 of 2018 referred for mediation to Ernakulam Mediation Centre, (High Court Hall). The mediator filed report stating that the matter has been settled in mediation and a memorandum of agreement has also been forwarded.

5. Respondents 1 to 4 died pending this appeal. Additional respondents 7 to 11 are impleaded as the legal heirs of deceased first respondent. Respondent Nos.5 and 6 are recorded as the legal heirs of deceased respondent Nos.2 and 4. Third respondent alleged to have been impleaded in this suit in

his capacity as the President of Vendar Sreekrishna Swami Math-fa-in `Charitable Trust. He-née, after his death, 12th additional respondent has been impleaded as the present President of the Trust. Subsequently, respondent Nos.5 to 11 were deleted from the party array.

6. The appellants in RSA No.440/2018 as well as the third

appellant in R.S.A.No.277/2018 as appellants and the remaining 12th additional respondent in R.S.A.No.440/2018 entered into an amicable settlement and memorandum of agreement has been executed between them, R.S.A.Nos.272, 277 & 440 of 2018

7. On going through the memorandum of agreement,

I am satisfied that all the terms of settlement are legal and proper and there is no impediment in recording the terms of settlement arrived at between the parties. Hence the memorandum of agreement executed between the parties is hereby recorded.

8. In the result, R.S.A.No.440/2018 is allowed in terms with the memorandum of agreement. The memorandum of agreement as well as the sketch attached to it will form part of the decree.

9. In view of the mediation agreement,

R.S.A.Nos.272/2018 & 277/2018 are dismissed as withdrawn. All other pending I.As. are closed. Sd/- M.R.ENITH SHG JUDGE r- BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM ELS_A Nos. 440 of 2018. 277 of 2018 & 272 of 2018 Raji S Sindhu & a/l Mrs : Appellants Vs. Bhanumathi Amma (Died) and others Respondents REPORT SUBMITTED BY THE MEDIATOR ADV. ZOHRA M.A. Mediated, matter is settled. a Settlement Agreement is attached herewith. Dated this the 20th day of July, 2022. Aldrzhra A \ Mediator Ernakulam Mediation Centre BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM BSAJtes=44Q42flflzzj22Qa&2z2rif_2018 Raji S Sindhu & Others Appellants Vs. Bhanumathi Amma (Died) and 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 three Appeals being 1. Raji.S.Sindhu @ G.S Sindhu, D/o.Sujatha, 2. Sujatha, D/o.Bhanumathiamma and 3. Somarajan Nair, S/o.Gopala Pillai and husband of

Sujatha on the side of Appellants and Vendar Sreekrishna Swami Kshethram Charitable Trust represented by the

present President G Ram Mohan, S/o. K.Govindan Nair who has been duly authorised by the Temple Trust to represent the Trust and to enter into compromise as regards the matter in dispute vide its resolution dated 17/10/2021 and hence by the parties have now resolved to settle their disputes on the following terms and conditions:-

Terms and conditions:

1. The actual dispute is pertaining to the fixation of boundary of the property of the 2nd Appellant with property dedicated to the Temple from the property belonging to the Tharawad of the 1st and 2nd Appellants. As per the partition deed No.56/1960, 50 cents of property was earmarked for the temple and 82 cents was allotted to the predecessor-in-interest of the 2nd Appellant Raji.S.Sindhu. But on measurement the actual existing area is only 103.25 cents. Hence the parties by way of compromise have agreed, to have the extent of 71.25 cents and 32 cents respectively which is earmarked in the appended survey sketch. The 71.25 cents is shown in green shade and 32 cents is shown in red shade in the appended survey sketch. The same is situated in Survey No.399/4 formerly in Kulakkada village and now in Re-Survey No.152/11,17 in Puthoor Village of Kottarakkara Taluk, Kollam District. Kerala State Mediation and Conciliation Centre. High Court of Kerala Kochi -682 31, Jt. Registrar, v J- -2-

2. The Appellants have agreed to withdraw the connected Appeals namely

RSA 277/2018 and RSA 272/2018 in view of the above settlement. The Appellants also agree that they have no further challenge against Exhibit 81 and 82 documents or against the Management and Administration formed as per Ext.82 dated 13/07/1998.

3. The Appellants have agreed to hand over possession of properties having an extent

9 cents in Survey No.410/18, 10 cents in Survey No.400/11 and 11 cents in Survey No.411/26 allotted to the temple as per partition deed No.56/1960 (Ext 81) now to the existing trust. They also agree that the trust can proceed against the persons in occupation and possession of 10 cents in Survey No.398/9 A and 14 cents in Survey No.410/17 allotted to the temple as per partition deed No.56/1960 for which they have no objection.

4. On the above allotment and agreed possession, the dispute between the both parties

are settled finally and amicably between them and they have no further dispute in this matter. Hence they have no objection in granting a decree in the said terms in RSA No.440 of 2018 and making the sketch a part of the decree.
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1. 5ct`JiL 3 4.!,L ,L }!.i..- KeralaSlafeme.14wu,ianaConciliationCentri High Court of Kerala Kocli -682 031 -3- Hence it is humbly prayed that this Hon'ble Court may be pleased to record this agreement as part of this Hon'ble Court's Judgment in the above appeals and granting a decree in RSA 440 of 2018 in terms of this Settlement Agreement in the interest of justice. Dated this the 20th day of July, 2022. Appellants

1. Raji S. Sindhu c?RT, A :sSou:aa:a:anNa[rfro-iz9,Lq, ~` ..rt\F,.`* S ,

I `.(,I Respondent /a :#`, I, , ` PIES , , ` + ` ,I . Sreekrishna Swami Kshethram Charitable iru=[ i-N. ; I, varst represented by the present President G Ram Mohan, VI-`L- N\rodQaNnch QOQIL^th k 'L,c3`hq A&%telte,\q`g r) Counsel for the Appellants Counsel for the Respondent rJo` \2- XeralaslaleMeL%andconc"ialioentr. High Court of Kerala Kochj -682 031 9;.9faii \_ \fo\\Q tt . +4ut \_\froTha.Hha`

9Vu:~L~#O~-@,"f#O,,ey qre.a _ -\2 . C] eq~9 C32.a C3ul LL) -28.8t n c7l.2SCLnt9J eulngJct6dyeralb8i\s.*uo:ct#:nco,Cberm tod Sill.veyor .ffippt.?sO:rd#K# Pranovya Nivas R.S.A.Nos.272, 277 & 440 of 2018 APPEro IX

R.S.A.NO.277/2018 APPEIANTS ' ANNEXu RES : NII- REsroNDENTs.
ANNExuREs : ANNEXURE 1: A TRUE COPY OF TRE 'CHARTH' ISSUED BY
T[]E THENT[]RI ANNEXURE 2: PHOTOGRAPHS SIIOWING THE PRESENg
STATE OF 'THIDAPPAILY'

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