

Poly vs James

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SooperKanoon Citation : sooperkanoon.com/1652761

Court : Kerala

Decided On : Mar-30-2021

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : RFA/580/2013

Appellant : POLY

Respondent : JAMES

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
TUESDAY, THE 30TH DAY OF MARCH 2021 / 9TH CHAITHRA, 1943
RFA.No.580 OF 2013 AGAINST THE JUDGMENT AND DECREE IN
O.S.No.713/2010 DATED 21-02-2013 OF PRINCIPAL SUB
COURT,THRISSUR APPELLANT/1ST DEFENDANT: POLY, AGED 52
YEARS, S/O.THARAYIL DEVASSY, CHEMBUKAVU DESOM, VILLAGE,
THRISSUR TALUK. BY ADVS. SRI.DINESH MATHEW J.MURIKAN
SRI.P.V.BALAKRISHNAN RESPONDENTS/PLAINTIFF & 2ND
DEFENDANT:

1 JAMES, AGED ABOUT 56 YEARS, S/O.THARAYIL DEVASSY, THARAYIL HOUSE, CHELAKKOTTUKARA DESOM, CHEMBUKAVU VILLAGE, THRISSUR TALUK, PIN-680 006. 2 JOSE, AGED ABOUT 38 YEARS, S/O.THARAYIL DEVASSY, THARAYIL HOUSE, MUSEUM CROSS ROAD, CHELAKKOTTUKARA DESOM, CHEMBUKAVU P.O., THRISSUR TALUK, PIN-680 020. R2 BY ADVS. SMT.R.RAJITHA SRI.SANTHOSH P.PODUVAL THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 30.03.2021, ALONG WITH RFA.170/2016 AND RFA.452/2018,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
TUESDAY, THE 30TH DAY OF MARCH 2021 / 9TH CHAITHRA, 1943
RFA.No.170 OF 2016 AGAINST THE JUDGMENT AND PRELIMINARY DECREE IN O.S.No.9/2010 DATED 26-11-2015 OF II ADDITIONAL SUB COURT,THRISSUR APPELLANT/DEFENDANT NO.2: PAULY, AGED 49 YEARS, S/O.THARAYIL DEVASSY, CHEMBUKKAVU VILLAGE DESOM, THRISSUR THALUK. BY ADVS. SRI.LINDONS C.DAVIS SRI.K.R.ARUN KRISHNAN SMT.E.U.DHANYA SRI.RAJITH DAVIS ATTATHARA RESPONDENTS/PLAINTIFF, 1ST AND 3RD DEFENDANTS:

1 JAMES, AGED 52 YEARS, S/O THARAYIL DEVASSY,CHELAKKOTTUKARA DESOM, CHEMBUKKAVU VILLAGE, THRISSUR THALUK, THRISSUR DISTRICT - 680 001 2 THARAYIL HARDWARE MART, CHEMBUKKAVU VILLAGE, THRISSUR THALUK - 680 001(PARTNERSHIP FIRM), REPRESENTED BY PARTNER PAULY. & 3 3 JOSE, AGED 35 YEARS, S/O.THARAYIL DEVASSY, MUSEUM ROAD,THRISSUR DESOM, THRISSUR THALUK - 680 001 R1 BY ADV. SRI.T.N.MANOJ R3 BY ADVS. SMT.R.RAJITHA SRI.SANTHOSH P.PODUVAL SMT.VINAYA V.NAIR THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 30.03.2021,

ALONG WITH RFA.580/2013 AND RFA.452/2018,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH TUESDAY, THE 30TH DAY OF MARCH 2021 / 9TH CHAITHRA, 1943 RFA (INDIGENT)No.452 OF 2018 AGAINST THE JUDGMENT AND DECREE IN O.S.No.713/2010 DATED 21-02-2013 OF PRINCIPAL SUB COURT,THRISSUR APPELLANTS/2ND DEFENDANT:- JOSE, S/O THARAYIL DEVASSY, THARAYIL HOUSE, CHELAKKOTTUKARA, CHEMBUKAVU VILLAGE, THRISSUR DISTRICT BY ADVS. SHRI.SANTHOSH P.PODUVAL SMT.R.RAJITHA SRI.K.D.SREEVISAKH RESPONDENTS/PLAINTIFF & 1ST DEFENDANT:-

1 JAMES, (ADDRESS CORRECTED) S/O THARAYIL DEVASSY, MUSEUM CROSS ROAD, CHEMBUKKAVU VILLAGE,THRISSUR TALUK, THRISSUR DISTRICT 680001. 2 POLY, (ADDRESS CORRECTED) S/O THARAYIL DEVASSY,CHEMBUKKAVU DESOM & VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT-680001. ADDRESS OF R1 AND R2 ARE CORRECTED AS SHOWN BELOW VIDE ORDER DATED 03.07.2015 IN IA 1212/15. & 5 ADDRESS OF R1: JAMES, S/O. THARAYIL DEVASSY, THARAYIL HOUSE, CHELAKKOTTUKARA, OPP.MOOSPET, CO-OPERATIVE BANK, THRISSUR - 680 005. ADDRESS OF R2: PAULY, S/O. THARAYIL DEVASSY, THARAYIL HOUSE, CHEMBUKKAVU, EASTERN BAZAR, THRISSUR - 680 001. R1 BY ADV. SRI.T.N.MANOJ R2 BY ADV. SRI.DINESH MATHEW J.MURIKAN

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 30.03.2021, ALONG WITH RFA.580/2013 AND RFA.170/2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: & 6

JUDGMENT

[RFA.580/2013, RFA.170/2016, RFA.452/2018] Dated this the 30th day of March, 2021 The parties to these appeals had attended mediation process at Kerala State Mediation and Conciliation Centre, High Court of Kerala, Ernakulam. The terms of

settlement have been arrived at and a Memorandum of Agreement has been executed under Section 89 of the Code of Civil Procedure read with Rules 24 and 25 of the Kerala Civil Procedure (Mediation) Rules,

2008. The Memorandum of Agreement is signed by all parties

and their respective counsel. In the aforesaid circumstances, the above appeals are disposed of in accordance with the terms of the Memorandum of Agreement which shall form part of the Judgment. In RFA Nos.170 of 2016 and 580 of 2013 court fee paid shall be refunded to the appellant. Sd/- MARY JOSEPH JUDGE MJL & 7 The sentence Court fee is not required to be paid in view of the disposal of the matter following the compromise entered by the parties in mediation process is incorporated as part of the judgment dated 30/03/2021 in RFA (Indigent) No.452/18. Sd/- The Joint Registrar

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