

Roy vs Vincent @ Wilson (Wrongly Shown as Vilson)

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SooperKanoon Citation : sooperkanoon.com/1664162

Court : Kerala

Decided On : Oct-26-2021

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : OP(C)/1345/2021

Appellant : ROY

Respondent : Vincent @ Wilson (Wrongly Shown as Vilson)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN TUESDAY, THE 26TH DAY OF OCTOBER 2021 / 4TH KARTHIKA, 1943 OP(C) NO. 1345 OF 2021 OS 743/1996 OF II ADDITIONAL SUB COURT, THRISSUR PETITIONER/S: ROY AGED 59 YEARS S/O ITTIERA, RESIDING IN THE ADDRESS THOLATH HOUSE, KUNNAMKULAM AMSOM DESOM, KUNNAMKULAM.P.O, TALAPPILLY TALUK, THRISSUR DISTRICT-680503. BY ADVS. G.SREEKUMAR (CHELUR) AAMIR SOHRAB M. M. RESPONDENT/S: VINCENT @ WILSON (WRONGLY SHOWN AS VILSON) S/O.CHERU, RESIDING IN THE ADDRESS PULIKKOTTIL HOUSE, IRINGAPURAM VILLAGE, CHOOLPRAM DESOM, KOTTAPADI.P.O, CHAVAKAD TALUK,

THRISSUR DISTRICT-680505. BY ADV APPU AJITH THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 26.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

Dated this the 26th day of October, 2021 The dispute between the parties have been settled amicably and a settlement agreement has been executed in the presence of the Mediator. The respondent has declared that he has no objection in setting aside the sale conducted in E.P.No.553 of 2000 in O.S.No.743 of 1996 of the IInd Additional Sub Court, Thrissur and has also agreed to intimate the same to the Sub Registrar Office, Kunnamkulam. The original petition is hence closed in terms of the settlement and making the settlement a part of this judgment. The sale in E.P.No.553 of 2000 in O.S.No.743 of 1996 shall be set aside by the court below on production of a copy of this judgment along with the settlement agreement -3- and the fact that the sale has been set aside intimated to the Sub Registrar, Kunnamkulam. Sd/- V.G.ARUN JUDGE ScI/ O.S.No.743/1993 occurring in the memorandum of agreement, which is a part of the Judgment dated 26.10.2021 in OP(C)1345/2021 is corrected and substituted as O.S.No.743/1996 as per order dated 15.11.2021 in I.A.No.1/2021 in O.P.(C) 1345/2021. sd/- Deputy Registrar. -4- APPENDIX OF OP(C) 1345/2021 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE JUDGMENT DELIVERED IN O.S.NO.743 OF 96 DATED 22.6.00 ON THE FILE OF THE 1ST ADDL.SUB COURT,THRISSUR. Exhibit P2 A TRUE COPY OF THE EP. NO.553 OF 00 IN O.S.NO.743 OF 96 DATED 13.10.00 ON THE FILE OF THE 2ND ADDL.SUB COURT,THRISSUR. Exhibit P3 A TRUE COPY OF THE SALE CERTIFICATE AND FORWARDING LETTER FROM THE SECOND ADDL.SUB COURT,THRISSUR DATED 9.12.04. Exhibit P4 A TRUE COPY OF THE APPLICATION

SUBMITTED BY THE PETITIONER AS E A NO.284 OF 21 IN EP NO.553 OF 00 IN O S NO.743 OF 96 FILED DATED 19.3.21 ON THE FILE OF THE 2ND ADDL.SUB COURT,THRISSUR Exhibit P5 A TRUE COPY OF THE ORDER PASSED IN E A NO.284 OF 21 IN E P NO.553 OF 00 IN O S NO.743 OF 96 FILED DATED 8.4.21 ON THE FILE OF THE 2ND ADDL.SUB COURT,

THRISSUR. BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM O.P (C) No. 1345 of 2021 (Filed against the order passed in E.A No. 284/2021 in E.P No. 553/2000 in O.S No. 743/1993 on the file of the Hon'ble 11 Additional Sub Court, Thrissur) ROY PETITIONER VINCENT @ WILSON RESPONDENT SETTLEMENT AGREEMENT FILED BY THE PARTIES Shown hereinbelow is the Settlement Agreement entered into between the parties in the abovementioned O.P (C) :It the Mediation Center attached to the District Court, Thrissur. Parties in the above O.P (C) have fully and finally settled all the disputes between them upon the following terms and conditions; Roy the Petitioner in O.P (C) No. 1345 of 2021 has paid Rs. 3,80,000/- (Three Lakh Eighty Thousand only) to Mr. Vincent @ Wilson who is the Decree Holder in E.P No. 553/2000 in O.S No. 743/1993 on the file of the Hon'ble 11 Additional Sub Court, Thrissur. Mr. Vincent @ Wilson hereby confirms that he has received an amount of Rs. 3,80,000/- (Three Lakh Eighty Thousand only) from Mr. Roy who is the petitioner in the above O.P (C) No. 1345 of 2021 and Judgment Debtor in E.P No. 553/2000 in O.S No. 743/1993 on the file of the Hon'ble 11 Additional Sub Court, Thrissur.

Mr. Vincent @ Wilson hereby affirms and declares that he has absolutely no objection whatsoever to setting aside the sale conducted on 26.10.2002 and confirmed on 25.01.2003 in E.P No. 553/2000 in O.S No. 743/1993 on the file of the Hon'ble 11 Additional Sub Court, Thrissur and that he shall intimate the same to the concerned parties at the earliest.

Further, Mr. Vincent @ Wilson also has absolutely no objection whatsoever in allowing the abovementioned O.P (C) No.1345 of 2021.

The parties agree to suffer their respective costs in the above OP. Dated this the 6th day of October, 2021.
 JUDGE
 COUNSEL FOR PETITIONER
 COUNSEL FOR RESPONDENT