

Gopakumar vs Jayaraman

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SooperKanoon Citation : sooperkanoon.com/1890762

Court : Kerala

Decided On : Dec-20-2019

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : OP(C)/1383/2018

Appellant : Gopakumar

Respondent : Jayaraman

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR FRIDAY, THE 20TH DAY OF DECEMBER 2019 / 29TH AGRAHAYANA, AGAINST THE ORDER/JUDGMENT IN OS 844/2014 OF MUNSIF COURT, CHALAKUDY PETITIONER/S: GOPAKUMAR AGED 50 YEARS, S/O.RAMAN NAIR, KIZHAKKANAMBILLY HOUSE, MELOOR DESOM, CHALAKUDY, THRISSUR BY ADV. SRI.RENNY AUGUSTINE RESPONDENT/S:

1 JAYARAMAN S/O.RAMAN NAIR, AGED 50 YEARS, KIZHAKKANAMBILLY HOUSE, KALADY DESOM, CHALAKUDY, THRISSUR 2 AJITHKUMAR S/O.RAMAN NAIR, AGED 46

YEARS,KIZHAKKANAMBILLY HOUSE, KALADY
DESOM,CHALAKUDY, THRISSUR 3 GEETHA RAMACHANDRAN
D/O.RAMAN NAIR, W/O.THEKKEDATH RAMACHANDRAN, AGED 48
YEARS, VASUPURAM DESOM, MATTATHUR VILLAGE, THRISSUR
DISTRICT. 4 SUMATHY SUMATHYAMMA AGED 67 YEARS,
W/O.RAMAN NAIR, KIZHAKKANAMBILLY HOUSE, MELOOR
DESOM,CHALAKUDY, THRISSUR

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 20.12.2019, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

The petitioner is the plaintiff in O.S.No.844/2014 on the files of the Munsiffs

Court, Chalakudy. The petitioner filed

this original petition has been filed.

2. Heard.

3. It appears from Ext.P5 that all

the parties were not the parties to th

-3- below recorded that the decree could not be passed in terms of the mediation
agreement. Accordingly, the court below dismissed I.A.No.120/2018. Since the
court below found that no enforceable decree could be

passed on the basis of the mediation
agreement.

4. The learned counsel for the

petitioner could not bring to the notice of this Court with regard to any illegality or
incorrectness in Ext.P5 order warranting interference by this Court. Having gone
through the relevant inputs, I do not find any reason to hold that Ext.P5 order

passed -4- by the court below suffers from any illegality, impropriety or incorrectness warranting interference by this court. In the result, this O.P.(C) stands dismissed. However, I make it clear that this

judgment will not stand in the way of the

parties in approaching the court below again, once the parties settle the matter.
Sd/- B. SUDHEENDRA KUMAR, JUDGE STK -5- APPENDIX OF OP(C)
1383/2018 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE PLAINT IN O.S.NO.844/2014 DATED 22.9.2014 FILED BY THE 2ND RESPONDENT. EXHIBIT P2 TRUE COPY OF THE M.C.NO.5/2015 DATED 31.1.2015 FILED BEFORE HON'BLE JFCM, CHALAKUDY. EXHIBIT P3 TRUE COPY OF THE SETTLEMENT ARRIVED IN M.C.NO.5/2015 DATED 19.8.2015 BEFORE MEDIATOR, MEDIATION CENTRE, CHALAKUDY. EXHIBIT P4 TRUE COPY OF THE I.A.NO.120/2018 IN O.S.NO.844/2014 DATED 6.1.2018. EXHIBIT P5 TRUE COPY OF THE ORDER IN I.A.NO.120/2018 IN O.S.NO.844/2014 DATED 7.2.2018.

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