

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 9TH DAY OF JULY 2024 / 18TH ASHADHA, 1946

RFA NO. 206 OF 2020

AGAINST THE JUDGMENT AND DECREE DATED 28.11.2019 IN OS NO.64 OF
2017 OF SUB COURT, DEVIKULAM

APPELLANT/DEFENDANT:

R.RAJAMANIKKAM
AGED 61 YEARS, S/O. LATE RANGASAMY,
DOOR NO.126, WARD NO.6,
THEKKU RATHA VEETHI, KOMBAL GRAMAM,
UTHAMAPALAYAM TALUK, THENI DISTRICT,
TAMIL NADU - 625522.

BY ADV P.K.RAVI SANKAR

RESPONDENT/PLAINTIFF:

P.JOTHIMONI
AGED 57 YEARS, W/O. V. PALSAMY,
DOOR NO.1, WARD NO.4, KEEZHARAJAVEETHI,
VIRUTHUNAGAR PETTAI, BODINAYAKANUR MUNICIPAL TOWN,
BODINAYAKANUR TALUK, THENI DISTRICT, TAMILNADU,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
P RADHA GANESAN, S/O. V. PALSAMY,
AGED 39 YEARS, DOOR NO. 1, WARD NO.4,
KEEZHARAJAVEETHI, VIRUTHUNAGAR PETTAI,
BODINAYAKANUR MUNICIPAL TOWN,
BODINAYAKANUR TALUK, THENI DISTRICT,
TAMILNADU - 625513.

BY ADV M.P.RAMNATH

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON
09.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAVI, J.

R.F.A. No.206 of 2020

Dated this the 9th day of July, 2024

JUDGMENT

The above case had been referred for mediation. The Mediator has submitted the report stating that the disputes have been resolved. The memorandum of agreement has also been forwarded along with the report.

In view of the mediated settlement arrived at between the parties, this appeal is closed. The parties shall abide by the terms of the agreement. The memorandum of agreement shall be made part of this judgment. In view of the settlement, the court fee paid is directed to be refunded.

Sd/-

**T.R. RAVI
JUDGE**

BEFORE THE HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM

RFA No.206/ 2020

R. Rajamanikkam : Appellant / Defendant

P.Jothimani : Respondent /Plaintiff

**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:**

TERMS OF MEDIATION SETTLEMENT

The appellant /defendant and respondent /plaintiff agree on the following terms:-

1. The appeal arises against the preliminary decree and judgment dt. 28.11.2019 in O.S No.64/2017 on the files of the Hon'ble Sub Court, Devikulam.
2. Pending the appeal, the suit itself has been compromised between the parties before the Hon'ble Sub court, Devikulam in the pending final decree application proceeding and compromise decree has been passed by the Hon'ble Court below on 19.06.2024.
3. In the above circumstances, there is no further purpose to be served by prosecuting this appeal, as matters are already settled between the parties and the suit itself decreed by compromise. Accordingly recording the same the appeal is only to be closed.
4. The parties shall bear their own costs.
5. The entire court fees paid by the appellant in the appeal, shall be refunded to him.

Appellant
R. Rajamanikkam

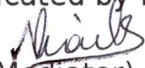

P.K.Ravi Sankar
Counsel for appellant

Respondent
P.Jothimani

Rep. by son and power of attorney holder
P.Radha Ganesan


M.P.Ramnath
Counsel for Respondent

The above settlement agreement is authenticated by me.


Veena M. (Mediator)

