

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 30TH JANUARY 2009 / 10TH MAGHA 1930

SA.No. 369 of 2001(B)

AS.20/1996 of SUB COURT, OTTAPPALAM
OS.52/1989 of MUNI-MAGI.COURT,PATTAMBI

APPELLANT(S):APPELLANTS/DEFENDANTS

-
- 1. RAYAN, S/O.THOTTUNGAL MOIDU,**
 - 2. ABDUL KADER, S/O- DO-DO.**
 - 3. MOOSA, S/O.DO-DO.**
 - 4. ABU, S/O.DO-DO.**

**ALL ARE RESIDING AT PATTAMBI - PALLIPURAM AMSOM,
KIZHAYOOR DESOM, OTTAPPALAM TALUK.**

BY ADV. SRI.A.P.CHANDRASEKHARAN (SR.)
SMT.PRABHA R.MENON
SRI.PUSHPARAJAN KODOTH
SRI.M.KRISHNAKUMAR
SRI.K.JAYESH MOHANKUMAR

RESPONDENT(S):

-
- 1. BHANUMATHI, D/O.YESODA AMMA.**
 - 2. SUNDARI, D/O. DO-**
 - 3. MANIKANDAN, S/O. DO**
 - 4. GIRIJA, D/O. - DO**
 - 5. RAJAN, S/O.- DO-DO-**

**ALL ARE RESIDING AT PATTAMBI - PALLIPURAM AMSOM, KIZHAYOOR
DESOM, OTTAPPALAM TALUK.**

**THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 30/01/2009,
ALONG WITH SA NO.377 OF 2001, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

V. RAMKUMAR, J.

= = = = =

S.A.Nos.369 and 377 of 2001

= = = = =

Dated this the 30th day of January 2009

JUDGMENT

The four defendants in O.S.No.52/1989 on the file of the Munsiff-Magistrate's Court, Pattambi are the appellants in S.A.No.369 of 2001. The three plaintiffs in O.S.No.179 of 1986 on the file of the Munsiff-Magistrate's Court, Pattambi are the appellants in S.A.No.377 of 2001. The appellants 1 to 3 in both these appeals are common and in S.A.No.369/2001 the 4th appellant is the 4th defendant in O.S.No.52/1989 referred to above. The respondents in both the appeals are common. Since all the appellants other than the common 1st appellant have assigned their undivided share in the property in question to the 1st appellant as per the registered document No.643/1997 of S.R.O, Pattambi. The 1st appellant alone has subsisting interest over the subject matter of the suits in question.

2. Pending these second appeals, the 1st appellant along with the five respondents have settled the matter and they have filed a joint petition as I.A.No.157/2009, recording the

compromise arrived at between them. Accordingly, as desired in the said joint petition, the relinquishment by the respondents of their claims in respect of plots A,G,E & F in Ext.C5 plan submitted by the Advocate Commissioner and accepting the title of the appellants over the said plots is recorded. The undertaking by the 1st appellant to pay a sum of Rs. 20,000/- (Rupees twenty thousand only) to the respondents is also recorded. Recording the terms of the said joint petition, these Second Appeals are disposed of. The judgments and decrees passed by the courts below in the aforesaid suits shall stand modified accordingly.

Dated this the 30th day of January, 2009.

V. RAMKUMAR, JUDGE

sj