

(2011) 05 KL CK 0002

In the High Court Of Kerala

Case No : Regular Second Appeal No. 897 of 2010

Murali Alias Aniyan, Malathi and Leela

APPELLANT

Vs

Chandramathi, Nandan and Reghunathan

RESPONDENT

Date of Decision : 30-05-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 23 Rule 3

Citation : (2011) 05 KL CK 0002

Hon'ble Judges : Sasidharan Nambiar, J

Bench : Single Bench

Advocate : N. Ashok Kumar, for the Appellant; Iype Joseph, for the Respondent

Judgement

M. Sasidharan Nambiar, J.—Defendants 1, 2 and 5 in O.S. 98 of 2004 are the Appellants. Plaintiff is the first Respondent and Defendants 3 and 4 are Respondents 2 and 3. First Respondent instituted the suit for declaration, partition and fixation of boundary. Suit was decreed in part. Defendants 1, 2 and 5 challenged the judgment before Sub Court, Chengannur in A.S. No. 229 of 2008. Appeal was dismissed. Second appeal is filed challenging the judgment. Appeal was admitted formulating substantial questions of law.

2. The Appellants and Respondents subsequently settled the disputes. I.A. 3311 of 2010 is filed under Order XXIII Rule 3 of CPC to record the compromise. The settlement was arrived at between the Appellants and Respondents 1 and 3. Second Respondent/3rd Defendant was not a party to the petition. Third Respondent along with Appellants filed I.A. 1127 of 2011 to record the compromise under Rule 3 of Order XXIII of CPC reporting the same settlement. Petitions are signed by all the parties and their counsel.

3. In such circumstances, the compromise is recorded as sought for in I.A. 3311 of 2010 and I.A. 1127 of 2011. Appeals are disposed in terms of the compromise. Compromise petitions form part of the decree.