

IN THE COURT OF THE MUNSIFF OF KANNUR

Present: Sri. Manikandan C.K, Additional Munsiff

Tuesday, the 11th day of February, 2025

(22nd Magha , 1946)

ORIGINAL SUIT No.244/2023

Puthanpurayil Prasad, S/o. Mukundan, aged 54 years, residing at Puthanpurayil House, Puzhathi amsom, desom, Kakkad.P.O, Kannur District- 670 005. Ph: 9526511550.] Plaintiff.

Vs.]

Shamsheer.A.K, S/o. Sharafudheen, aged 40 years, residing at “ Thoufeeque Manzil”, Jayanthi Road, Pallikkunnu amsom, Chalad desom, P.O. Chalad, Kannur- 14.] Defendant.

Plaint presented under Order VII rule 1 of Civil Procedure Code.

This suit coming on 06th day of February, 2025 for final hearing before me in the presence of Sri. K. Gopakumar, Advocate for Plaintiffs;S/Sri. K.K. Balaram, K. Babu, K.O. Prathap Nambiar, M.R. Hareesh, K.M. Shaheena, Rahana. M, and Manoj E.K., Advocates for defendants; and having stood over for consideration to this day , the Court delivered the following:

JUDGMENT

Suit is for realization of money.

2. Defendant appeared and filed written statement through counsel.

3. Both counsels submitted that there is a chance for settlement. Hence, matter referred for mediation. The matter is settled in mediation between plaintiff and defendant. Mediation report received. Perused mediation agreement. Mediation agreement is signed by both parties. As per the mediation agreement, matter settled for Rs.1,00,000/-. Defendant had agreed to give the settled amount of Rs.1,00,000/- on or before 20.03.2025. If the defendant fails to pay the amount as agreed, the plaintiff is entitled to realize the settled amount of Rs.1,00,000/- with interest at the rate of 8% from the defendant.

In **Special Leave Appeal No.723/2023 Jage Ram vs. Ved Kaur and others**, it was held by the Hon'ble Supreme Court that "the refund of court fee is permissible only if the matter

referred to Arbitration, Conciliation, Judicial settlement, including through Lok adalath or mediation for settlement and the case is decided in terms of such a settlement and not otherwise". So, in the present case on hand, the matter is settled in mediation referred through court. Hence, the plaintiff is entitled for return of court fee also. Both parties requested to decree the suit on the basis of the terms in the mediation. Mediation agreement is found lawful and the same is accepted.

In the result,

1. The suit is decreed in terms of mediation agreement.
2. The defendant is directed to pay an amount of Rs.1,00,000/- (Rupees One Lakh Only) to the plaintiff on or before 20.03.2025.
3. If the defendant fails to pay the said amount on or before 20.03.2025, the defendant shall be liable to pay to the plaintiff an amount of Rs.1,00,000/- with interest at the rate of 8% per annum from 23.01.2025.

4. The court fee paid by the plaintiff is to be refunded.
5. The mediation agreement shall form part of the decree.
6. There is no order as to costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 11th day of February 2025).

ADDITIONAL MUNSIFF

Fair/Copy of Judgment in
OS. 244/2023
Dated:- 11.02.2025

