

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Mat.Appeal.No. 41 of 2012 ()

AGAINST THE ORDER IN OP 1/2009 of FAMILY COURT, PALAKKAD
DATED 14-11-2011

APPELLANT/2ND RESPONDENT BEFORE FAMILY COURT:

AMBIKADEVI
AGED 51 YEARS, W/O.RAMANUNNI, 1/482
CHENKULAM, CHATHAPURAM, KALPATHY.P.O
PALAKKAD-678003.

BY ADVS.SRI.M.P.SREEKRISHNAN
SMT.SHAHNA KARTHIKEYAN

RESPONDENT/PETITIONER BEFORE THE FAMILY COURT:

C.V. RAMANUNNI
AGED 60 YEARS, S/O.KOCHU GOVINDAN NAIR, (1/482
CHENKULAM, CHATHAPURAM, KALPATHY.P.O
PALAKKAD-3-ADDRESS SHOWN IN THE JUDGMENT)NOW
RESIDING AT C/O.HAIMAVATHI
CHAITHANYA, PECHI AMMAN NAGAR, KALPATHY.P.O
PALAKKAD-678003.

BY ADV. DR.GEORGE ABRAHAM
BY ADV. SRI.LINDONS C.DAVIS

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.K. ABDUL REHIM & K. RAMAKRISHNAN, JJ.

.....
Mat.A.No.41 of 2012
.....

Dated this the 20th day of August, 2015.

JUDGMENT

Ramakrishnan,J:

The second respondent in OP.No.1/2009 on the file of the Family Court, Palakkad is the appellant herein. The original petition was filed by the respondent herein against the father of the appellant and the appellant herein for a declaration that the petition schedule property exclusively belongs to him though it was purchased in the name of the appellant and for a consequential injunction restraining the respondents therein from forcibly evicting him from the petition schedule property and alienating the petition schedule property.

2. The case of the appellant/1st respondent in the lower court was that the property belongs to her and the respondent herein/petitioner has no right in the property. After considering the evidence on record, the court below allowed the original petition as prayed for and granted a decree in favour of the respondent herein declaring that he is the owner of the property and an injunction restraining the appellant herein

from forcibly evicting the respondent herein from the petition schedule property and also from alienating the property as the first respondent in the lower court died pending proceedings. Aggrieved by the same, the wife/appellant has filed the present appeal. During the pendency of the proceedings, the matter has been settled between the parties out of court and they have filed IA.No.2899/2015 to record compromise and to pass a decree in accordance with the compromise petition.

3. In the compromise petition, it is mentioned that the respondent herein had relinquished his claim in respect of the petition schedule property and he does not want any relief in respect of the petition schedule property and agreeing for setting aside the decree passed by the court below and dismissing the suit. Further, since the property stands in the name of the appellant, the respondent is entitled to relinquish any claim made by him in the proceedings in favour of the appellant. So, under the circumstances, we feel that the compromise can be recorded and the appeal can be allowed setting aside the decree and judgment passed by the court below granting a declaration and injunction in favour of the

respondent herein and dismissing the original petition. So, the compromise is recorded and the decree and judgment passed by the court below are set aside and the original petition is dismissed in terms of the compromise entered into between the parties. The compromise petition will form part of this judgment.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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