

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Mat.Appeal.No. 48 of 2012 ()

AGAINST THE JUDGMENT IN OP(HMA) 264/2009 OF FAMILY COURT,
ALAPPUZHA DATED 08-11-2011

APPELLANT(S)/PETITIONER:

MURALEEDHARAN NAIR
S/O.VASUDEVAN NAIR, ARUNODAYAM
MANNAR P.O., ALAPPUZHA DISTRICT-689622.

BY ADVS.SRI.M.RAMASWAMY PILLAI
SMT.PREETHY R. NAIR

RESPONDENT(S)/RESPONDENT:

VISHUNUKUMARI
W/O.MURALEEDHARAN NAIR, ARUNODAYAM
MANNAR P.O.
ALAPPUZHA DISTRICT-689622.

RR-R1 BY ADV. SRI.S.SHANAVAS KHAN

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
09-04-2015, ALONG WITH MA. 409/2013 & MA. 660/2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

Mat.Appeal No.48 of 2012,
Mat.Appeal No.409 of 2013
&
Mat.Appeal No.660 of 2014

Dated this the 9th day of April, 2015

JUDGMENT

K.T.Sankaran, J.

The parties are substantially the same in the aforesaid appeals. O.P.No.76 of 2009 was filed by Vishnukumari, the wife of Muraleedharan Nair, and her children for the restitution of conjugal rights, for recovery of gold ornaments and damages and for recovery of maintenance. The Family Court partly decreed O.P.No.76 of 2009 and the relief for restitution of conjugal right was granted. Against the judgment and decree of the Family Court Vishnukumari and children filed Mat.Appeal No.409 of 2013.

2. The husband filed O.P.(HMA) No.264 of 2009 before the same Family Court for divorce. The Family Court dismissed the Original Petition (HMA). The husband filed Mat.Appeal No.48 of 2012. The husband filed O.P.No.154 of 2013 for divorce on the ground that the wife did not comply with the decree for restitution of conjugal rights for a period of more than one year after passing the decree in O.P.No.76 of 2009. The Family Court dismissed O.P.No.154 of 2013 against which the husband filed Mat.Appeal No.660 of 2014.

3. When the appeals came up for hearing, the parties were referred for mediation. The parties settled their disputes and differences before the Mediation Centre and a memorandum of agreement was signed by them on 31.3.2015. The terms of the agreement are the following :

“The disputes between the parties are settled
on the following terms and conditions :

1. The wife Vishnukumari and her two sons Arun.M. And Akhil.M. will continue to reside in the house permanently.

2. 5 cents of land lying behind the house will given to their sons and registration will be done within 6 months.

3. The husband agreed to pay ₹3,00,000/- (Rupees Three Lakhs only) to the wife within 6 months from today. The expenses regarding education and other necessities of the children be taken care of by father as and when required. The father shall pay to children ₹2,000/- (Rupees Two Thousand only) before 10th of every month towards the day to day expenses of the children. In case the father fails to pay educational as well as other expenses to the children, they are at liberty to file case before the court concerned for redressing the grievance.

4. Both the parties hereby agree to withdraw the cases pending before this Hon'ble Court.

5. The relations or friends of both parties

should not enter the house without any previous permission of both the parties and both parties should permit the other to reside in the house peacefully.

6. 13B petition for divorce by mutual consent shall be filed by the parties after registration of documents regarding 5 cents.

7. In case of any default of the terms of compromise mentioned above the parties are free to approach the court concerned for redressal of their grievances.”

In view of the settlement, the Mat. Appeals are disposed of in terms of the settlement.

**K.T.SANKARAN
JUDGE**

**BABU MATHEW P.JOSEPH
JUDGE**