

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN**

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Mat.Appeal.No. 140 of 2012 ()

OP 1339/2005 of FAMILY COURT, NEDUMANGAD

APPELLANT(S):

**TITTU MATHEW AGED 51 YEARS
S/O.MATHEW THOMAS, SOFTWARE TECHNOLOGY SERVICES
KORAMANGALA, BANGALORE**

**BY ADVS.SRI.T.M.RAMAN KARTHA
SRI.ARUN BASIL**

RESPONDENT(S):

**SHINY TITTU
@ SINY MATHAI, D/O.K.S.MATHAI, HOUSE NO 6/330-A
CHITTEZHATHU POLY, LAND ROAD, KUDAPPANAKKUNNU
PEROORKADA, THIRUVANANATHAPURAM
NOW R/A.MOLLY MANDIR HOUSE, KAPPIL EAST
KRISHNAPURAM P.O., KAYAMKULAM-627759**

R1 BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 29-01-2015,
ALONG WITH MA. 142/2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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V.K.MOHANAN & P.D.RAJAN, JJ.

MAT.APPEAL Nos.140 & 142 of 2012

Dated this the 29th day of January, 2015

JUDGMENT

V.K.MOHANAN, J

As the above appeals are arising out of common judgment dated 30.12.2011 in OP Nos.1339/2005 & 678/2006 of the Family Court, Nedumangad and the parties are one and the same, these appeals are heard together and being disposed by this common judgment.

2. OP No.1339/2005 referred above is filed by the wife for declaration of title, return of money and for maintenance, whereas OP No.678/2006 is filed by the husband for divorce. By the impugned judgment, the family court allowed prayer of the wife for maintenance, whereas OP No.678/2006 filed by the husband for divorce stands dismissed. It is against the above common judgment, the husband filed both the appeals.

3. During the pendency of the above appeals, this court ordered to refer the matter for mediation and

accordingly, a settlement was arrived in the mediation on 30.08.2013. Accordingly, the memorandum of agreement under Section 89 of the Code of Civil Procedure read with rules 24 & 25 of the Kerala Civil Procedure (Mediation Rules), 2008, forwarded to this court, forms part of this judgment.

4. It appears that in terms of the above referred judgment, a joint application for divorce was filed on 30.08.2013, which is now numbered as IA No.351/2015 under Section 10 A of the Indian Divorce Act for mutual divorce. After the filing of the above application for mutual divorce, again difference of opinion occurred among them and finally, through the intervention of this court, the whole subsequent dispute and all doubts and questions with respect to the terms and conditions of the settlement referred above was cleared as discernible from the order of this court dated 20.01.2015 and an additional agreement dated 20.01.2015 modifying and amending the agreement dated 30.08.2013, has been executed and filed, which also forms part of this

judgment. The document of settlement deed has been executed on 24.01.2015 and the documentation fees were shared by both the parties as per the order of this court dated 20.01.2015. Thus, it appears that all the dispute among the spouses had been settled and therefore it is only just and proper to allow the petition filed under Section 10 A of the Indian Divorce Act dated 30.08.2013. Accordingly the marriage between the appellant and respondent solemnized on 21.07.1988 at Jerusalem Marthoma Church, Thiruvananthapuram is dissolved as per mutual consent under Section 10 A of the Indian Divorce Act allowing IA No.351/2015. A decree follow accordingly. The appeals are disposed of accordingly.

Sd/-
V.K.MOHANAN, JUDGE

Sd/-
P.D.RAJAN, JUDGE

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P.A. TO JUDGE

