

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Mat.Appeal.No. 254 of 2006 ()

AGAINST THE ORDER IN OP 322/2003 of FAMILY COURT,KOZHIKODE
DATED 06-03-2006

APPELLANT/PETITIONER:

BHAGATH.P.B., S/O.K.C.PRABHAKARAN,
AMBILI NIVAS, CHEROOPPA AMSOM, MANACAD DESOM
KOZHIKODE TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT/RESPONDENT:

SMT.SUMITHA, D/O.LOHITHAKSHAN,
AMBALAPPARA, P.O.THIRUVAMPADY, KOZHIKODE TALUK.

BY ADV. SRI.V.V.SURENDRA
BY ADV. SRI.P.A.HARISH

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 26-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.K.ABDUL REHIM & ANIL K.NARENDHAN, JJ.

Mat.Appeal No.254 OF 2006

DATED THIS THE 26TH DAY OF JUNE, 2015

JUDGMENT

C.K.ABDUL REHIM, J.

This Matrimonial Appeal is filed against dismissal of O.P.No.322/2003 by the Family Court, Kozhikode, through order dated 6.3.2006. Case before the Family Court was filed by the appellant herein seeking for dissolution of marriage under Section 13(1) of the Hindu Marriage Act. Respondent herein is the respondent before the Family Court.

2. During the pendency of this appeal, on the request of the parties, case was referred for mediation to the District Mediation Centre, Kozhikode. Report submitted by the Co-ordinator of the District Mediation Centre, Kozhikode, dated 4.4.2015 would indicate that the matter was mediated and a settlement was arrived between the parties. The terms and conditions of the settlement are reduced to a Memorandum of Agreement under Section 89 of the Code of Civil Procedure, which is enclosed along with the report of the Mediator. It is evident from the memorandum that the parties have agreed to submit a joint petition for divorce under Section 13B before the Family Court,

Kozhikode after fulfilling certain conditions, which the appellant has to comply with. Learned counsel for the appellant submits that the appeal can be disposed of based on the memorandum of settlement arrived.

Under the above-mentioned circumstances, the appeal is disposed of in terms of the compromise arrived between the parties. The Memorandum of Agreement produced along with the report of the Mediator will form part of the judgment.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

ANIL K.NARENDRA, JUDGE

dsn