

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

MAT. APPEAL. No. 129 of 2015 (A)

**AGAINST THE ORDER IN O.P. No.1364/2010 OF FAMILY COURT,THRISSUR
DATED 16-08-2014**

APPELLANT(S)/PETITIONERS:

- 1. DIVYA, D/O. PURUSHOTHAMAN,
PANIKKASSERY HOUSE, CHEMMANNUR DESOM,
PORKKALENGAD P.O., ARTHAT VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT.**
- 2. MINOR ARYAN, AGED 7 YEARS,
REP. BY MOTHER DIVYA, PANIKKASSERY HOUSE,
CHEMMANNUR DESOM, PORKKALENGAD P.O., ARTHAT VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI. V.BINOY RAM

RESPONDENT(S)/RESPONDENTS:

- 1. SINEESH, S/O.SUBRAMANIAN,
MAMPATTA HOUSE, MUNDATHIKODE P.O., THALAPPILLY TALUK,
THRISSUR DISTRICT, PIN - 680 601.**
- 2. SUBRAMANIAN, S/O.AYYAPPAN,
MAMPATTA HOUSE, MUNDATHIKODE P.O.,
THALAPPILLY TALUK, THRISSUR DISTRICT, PIN - 680 601.**
- 3. SREEMATHY,
W/O. SUBRAMANIAN, S/O. AYYAPPAN, MAMPATTA HOUSE,
MUNDATHIKODE P.O., THALAPPILLY TALUK,
THRISSUR DISTRICT, PIN - 680 601.**

BY ADV. SRI. P.RAMACHANDRAN

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 08-10-2015,
ALONG WITH MA. 308/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

**MAT. APPEAL. No. 129 of 2015
AND
MAT. APPEAL. No. 308 of 2015**

Dated this the 8th day of October, 2015

JUDGMENT

C.K. ABDUL REHIM, J.

Mat Appeal No.129/2015 is filed against the dismissal of O.P.No.1364/2010, on the files of Family Court, Thrissur. The claim raised by the appellants seeking return of gold ornaments and money were declined through the impugned judgment.

2. Mat Appeal No.308/2015 is filed against the dismissal of O.P.No.1365/2010 by the Family Court, Thrissur in which application filed by the appellant seeking dissolution of the marriage on the ground of cruelty was dismissed.

3. The above Mat.Appeals were referred by this court for mediation, to the Ernakulam Mediation Centre. A report

submitted by the Accredited Mediator would indicate that, the parties have settled all the disputes in the mediation and a 'Memorandum of Agreement' under Section 89 of the Code of Civil Procedure was executed for incorporating the terms of settlement, which is signed by both the parties and their respective counsel. As per the Memorandum of Agreement the parties have arrived at a decision to seek dissolution of the marriage on mutual consent, by filing an application under Section 13(B) of Hindu Marriage Act before the Family Court. It is also agreed that both the parties have no further claim against each other and that they will withdraw all the litigations pending, unconditionally. With respect to the custody of the child, it is agreed that both parties will abide by the decree passed in G.O.P. No.2067/2010.

4. Counsel appearing on both side submitted that in view of the settlement a joint application under Section

MAT. APPEAL. No. 129 of 2015

AND

MAT. APPEAL. No. 308 of 2015

-3-

13(B) of the Hindu Marriage Act was already filed in the Family Court, Thrissur.

6. Under the above mentioned circumstances both these appeals are dismissed in terms of the Memorandum of Agreement executed in the mediation. The 'Memorandum of Agreement' enclosed along with the Report of the Mediator dated 16.09.2015 will form part of this common judgment.

Sd/-

**C.K. ABDUL REHIM
JUDGE**

Sd/-

**MARY JOSEPH
JUDGE**

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