

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 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Mat.Appeal.No. 163 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN OP(G&W) 1207/2010 of FAMILY COURT,
THIRUVALLA DATED 31-10-2014

APPELLANT(S)/RESPONDENTS:

1. SWEETY MATHEW
D/O.P.T.MATHEW, PLATHODATHIL VEEDU, VALAKUZHI
THELLIYOOR P.O. AND VILLAGE, VALAKUZHI
MALLAPPALLY TALUK
REPRESENTED BY HER POWER OF ATTORNEY HOLDER
CHERIAN P.MATHEW, PALATHODATHIL VEEDU, VALAKUZHI
THELLIYOOR P.O. AND VILLAGE, EZHUMATTOOR PANCHAYAT
MALAPPALLY TALUK.

2. LEELAMMA MATHEW
W/O.LATE P.T.MATHEW, PLATHODATHIL VEEDU, VALAKUZHI
THELLIYOOR P.O. AND VILLAGE, VALAKUZHI
MALLAPPALLY TALUK.

BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW
SRI.JENNIS STEPHEN

RESPONDENT(S)/PETITIONER:

SAMUEL CHACKO
KIZHAKKEKARA MURUPPEL HOUSE, VELLAPPARA P.O.
KONNI VILLAGE, MANGARAM MURI, KOZHENCHERY TALUK.

R1 BY ADV. SRI.K.BABU RAJAN

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
19-11-2015 ALONG WITH MA. 362/2015, MA. 363/2015. THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

C.K.ABDUL REHIM & MARY JOSEPH, JJ.

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Mat Appeal Nos.163/2015, 362/2015
& 363/2015 of 2015

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Dated this the 19th day of November, 2015

JUDGMENT

Abdul Rehim, J.

Mat Appeal No.362/2015 arises from an order passed by the Family Court in O.P No.121/2010. By the impugned judgment, the O.P filed by the respondent seeking return of patrimony was allowed.

2. Mat Appeal No.363/2015 arises out of an order passed by the Family Court in O.P No.61/2010. By the impugned order an application filed by the respondent seeking dissolution of the marriage was allowed.

3. Mat. Appeal No.163/2015 is against the order in O.P (G&W) 1207/2010. By the impugned order the Family Court had granted permanent custody of the minor child of the parties to the respondent in the said appeal.

4. The above appeals were referred for mediation to the Ernakulam Mediation Centre. A report submitted by the Mediator dated 28.10.2015 would indicate that issues involved in all these appeals were settled between the parties. The terms of

settlement was reduced into a 'Mediated Settlement Agreement' signed by both the parties and their respective counsel, which is produced along with the report of the Mediator.

5. With respect to Mat. Appeal No.362/2015, the respondent herein had agreed to relinquish her claims, in view of the settlement with respect to all other issues, and it is conceded that the impugned decree can be set aside and the O.P before the Family Court can be dismissed as not pressed. Under such circumstances the said appeal is hereby disposed of by setting aside the impugned order passed by the Family Court in O.P No.121/2010, on the basis of the compromise, and by dismissing O.P No.121/2010 on the files of the Family Court.

6. With respect to Mat. Appeal No.363/2015 which is filed against the order granting decree of divorce, it is agreed between the parties that the appellant will withdraw the said appeal. Hence in view of the terms of settlement Mat. Appeal No.363/2015 is dismissed as withdrawn, confirming the decree of dissolution passed by the Family Court.

7. With respect to Mat. Appeal No.163/2015 the respondent in the appeal had conceded that in view of the settlement arrived between the parties, permanent custody of the minor child can be

entrusted with the appellant subject to the visitation rights prescribed under Clause (3) of the 'Mediated Settlement Agreement'. Hence the said appeal is allowed to the extent of modifying the order in accordance with the terms of the settlement. The parties will abide by the conditions stipulated with respect to the visitation rights.

All the above three appeals are disposed of accordingly. The 'Mediated Settlement Agreement' produced along with the Report of the Mediator will form part of this common judgment.

Sd/-
C.K .ABDUL REHIM, JUDGE

Sd/-
MARY JOSEPH, JUDGE

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