

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015 /4TH AGRAHAYANA, 1937

Mat.Appeal.No. 120 of 2013 (F)

AGAINST THE ORDER/JUDGMENT IN OP 712/2011 OF FAMILY COURT, THALASSERY
DATED 29.9.2012

APPELLANT/RESPONDENT :

JYOTHEENDRANATH.P.,
S/O.P.VIJAYAN, BUSINESS, PATTIMMAL HOUSE,
MOKERI P.O., KAKKATTIL, VADAKARA.

BY ADV. SRI.E.D.GEORGE

RESPONDENT/PETITIONER :

VINITA VIJAYAN, AGED 30 YEARS,
D/O.V.K.VIJAYAN, PARAVANTAVIDA, NO JOB,
ANIYARAM P.O., CHOKLY VIA-670 672.

BY ADV. SRI.P.N.SUKUMARAN
BY ADV. SRI.K.A.ANAS

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMACHANDRA MENON & ANIL K.NARENDRA, JJ.

Mat.Appeal No.120 of 2013

Dated this the 25th day of November, 2015

JUDGMENT

Ramachandra Menon, J.

Challenge is against the order dated 29.9.2012 in O.P.No.712 of 2011 of the Family Court, Thalassery. When the matter came up for consideration before this Court earlier, willingness was expressed by both the sides to have the matter settled with the assistance of a trained mediator and accordingly, the matter was referred for mediation. A report has now been filed before this Court to the effect that the matter has been settled between the parties. Terms of settlement dated 29.9.2014 are also attached, which are reproduced below for convenience of reference.

"1. The appellant agrees to pay an amount of ₹13,00,000/- (Rupees Thirteen Lakhs only) towards the full and final settlement of all the claims of the respondent in O.P.712/2011, M.C.19/2011 and the connected execution proceedings.

2. The appellant agrees that out of the said amount of ₹13,00,000/- an amount of ₹3,00,000/- (Rupees

three Lakhs only) will be paid by the appellant by way of demand draft on or before 20.11.2014 and the respondent will acknowledge the receipt of the same.

3. The balance amount of ₹10,00,000/- (Rupees Ten Lakhs only) will be paid by the appellant by way of demand draft to the respondent on or before 31.03.2015.

4. Both the parties agree that in case of default of the payment as agreed in clauses 1 to 3 the respondent is entitled to recover from the appellant an amount of ₹15,50,000/- (Rupees Fifteen Lakhs and Fifty Thousand only) with future interest at the rate of 12% from the date of agreement i.e. 29.09.2014, after adjusting the remittance if any made by appellant from 20.11.2014 onwards.

5. The respondent agrees that on receipt of the payment as mentioned in the clauses 1 to 3, the respondent will withdraw all the proceedings relating to M.C.No.19/2011 and C.M.Ps.181/2014, 546/2013 and 668/2012, all pending before the Family Court, Thalassery.

6. The respondent agrees to close the execution proceedings pending in O.P.34/2011, before the Family Court, Badakara.

7. The respondent agrees that on receipt of the payment as mentioned in clause 1 to 3 the appellant is entitled to quash all the criminal proceedings pending before the Judicial First Class Magistrate Court, Nadapuram. All the proceedings initiated before the High

Court of Kerala as well as in other courts will be withdrawn by the appellant.

8. It is also agreed by the appellant that in case of default of the payment as mentioned in clauses 1 to 3 the respondent is entitled to initiate steps to execute the order in M.C.No.19/2011 before the Family Court, Thalassery and realise the maintenance as ordered in said M.C.19/2011, from the date of agreement i.e. 29.09.2014.

9. Both the parties agree that on the payment of the entire amount of ₹13,00,000/- (Rupees Thirteen Lakhs only) as stipulated in clauses 1 to 3, no further claim will be raised by either of the parties against the other or against their assets, both movable and immovable."

After hearing, this Court finds that the dispute has been resolved and nothing remains to be considered in this appeal. The appeal is disposed of in terms of the settlement. It is for the parties concerned to honour the terms and conditions.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

Sd/-

ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge