

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Mat.Appeal.No. 902 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN OP 718/2007 of FAMILY COURT, THRISSUR
DATED 29-02-2012

APPELLANT(S) /1st RESPONDENT:

LISSY, AGED 37
D/O.ELIYAS, AVILUMTHADATHIL HOUSE, KORACHIRA P.O.
PANAKUTTY, PALAKKAD DISTRICT.

BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.MAHESH V.MENON

RESPONDENT(S) /PETITIONER/ 2ND RESPONDENT:

1. BENNY M.V.
S/O.VARGHESE, MARAKKARA HOUSE, VEEROLIPPADAM DESOM
MANALITHARA VILLAGE, THALAPPILLY TALUK
REPRESENTED BY POWER OF ATTORNEY HOLDER VARGHESE
AGED 68 YEARS, S/O.MARAKKARA PAILY
VEEROLIPPADAM DESOM, MANALITHARA VILLAGE
THALAPPILLY TALUK, THRISSUR DISTRICT - 680021.

2. NAVEEN
S/O.VATTEKKATT KALATHIL NARAYANKUTTY
PUNNAMPARAMBU P.O., THRISSUR DISTRICT 680021.

R1 BY ADV. SRI.P.K.NIJOY

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 17-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON

&

K. HARILAL, JJ.

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MAT Appeal No. 902 of 2015

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Dated, this the 17th day of September, 2015

JUDGMENT

Ramachandra Menon, J.

Appeal arises from the judgment dated 29.02.2012 in O.P. No. 718 of 2007 of the Family Court, Thrissur, whereby the said O.P. was allowed and the marriage between the appellant and the first respondent solemnised on the relevant date was dissolved granting decree of divorce u/s 10(1) of the Divorce Act, simultaneously dismissing M.C. No. 406 of 2008 filed by the appellant herein. This turn is under challenge in this appeal.

2. Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondents.

3. It is brought to the notice of this Court that earnest efforts were being pursued to reconstruct the ruptured marital bond between the appellant and first respondent with the involvement of all concerned and finally, the parties have succeeded in their efforts. Accordingly, the appellant and the first respondent have filed a compromise statement dated 25.08.2015, to have the issue settled

once and for all. It is stated that the appellant and first respondent are now living together under a common roof. The terms of compromise are as given below :

"The appellant and the 1st respondent had settled the dispute between them. They are decided to reside together as husband and wife. They come to a settlement on the following conditions:

A) The 1st respondent has agreed to maintain the appellant in future by providing financial assistance and all amenities including residence, house etc. He has also agreed to purchase a house in the joint name of the appellant and the respondent in February, 2016.

B) They are jointly praying before this Hon'ble Court for setting aside the judgment dated 29.02.2012 in O.P. No. 718/2007 before the Family Court, Thrissur in order to restore their matrimonial relationship.

C) The appellant will give up her prayer for getting maintenance in MC No. 406/2008 before the Family Court for maintenance in the light of settlement arrived between the parties.

D) The appellant will also withdraw the complaint made against the 1st respondent and others in CC No. 979/2011 Before the Judicial First Class

Magistrate Court, Alathur, in the light of
settlement.

4. After hearing both the sides and also considering the subsequent developments, this Court finds that the verdict passed by the Family Court in O.P. 718 of 2007 requires to be intercepted. Accordingly, verdict dated 29.02.2012 in O.P. No. 718 of 2007 of the Family Court, Thrissur is set aside and O.P. No. 718 of 2007 stands dismissed. Verdict passed in relation to M.C. No. 406 of 2008 is not required to be varied in terms of the compromise recorded as above.

The appeal stands disposed of as above.

sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**

sd/-

**K. HARILAL,
JUDGE**

kmd