

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Mat.Appeal.No. 915 of 2015 ()

**(ARISING FROM ORDERS PASSED IN IA No.95/2015 IN OP No.618/2010 AND IA
No.96/2015 IN OP No.618/2010 DATED 22-08-2015 OF FAMILY COURT, OTTAPALAM)**

APPELLANTS/PETITIONERS/RESPONDENTS:

- 1. ASSIS,
AGED 37 YEARS, S/O.SAITHALAVI,
KOKKOORIPPARA VEEDU, ELANAD POST
THALAPPILLY TALUK, THRISSUR DISTRICT.**
- 2. SAITHALAVI,
AGED 67 YEARS, S/O.VAVU,
KOKKOORIPPARA VEEDU, ELANAD POST
THALAPPILLY TALUK, THRISSUR DISTRICT.**
- 3. FATHIMA,
AGED 63 YEARS, W/O.SAITHALAVI,
KOKKOORIPPARA VEEDU, ELANAD POST
THALAPPILLY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.R.SREEHARI

RESPONDENT/RESPONDENT/PETITIONER:

**SEKEENA,
AGED 32 YEARS, D/O.KUMHIMUHAMMED,
KURIYADAN VEEDU, CHUNANGAD P.O.
OTTAPALAM TALUK, PIN: 679 511.**

BY ADV. SRI.RAJESH SIVARAMANKUTTY

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

AMG

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

Mat. Appeal No. 915 OF 2015

DATED THIS THE 11th DAY OF NOVEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

This Mat. Appeal arises from orders passed by the Family Court, Ottapalam in I.A. Nos.95/2015 & 96/2015 in OP No.618/2010. By the impugned orders an application filed by the respondents before the court below seeking to set aside the ex-parte order and an application for condonation of delay, were dismissed by the Family Court.

2. During pendency of the above appeal before this court, the matter was referred for mediation to the Ernakulam Mediation Centre. A report of the Mediator submitted on 02-11-2015 would indicate that the parties have arrived at a settlement with respect to all the issues relating to the matrimony. The terms of the settlement has been reduced into a Memorandum executed under Section 89 of the Code of Civil Procedure, which is signed by both the parties and their respective counsel.

3. Counsel on both side agree that, in view of the settlement arrived, the ex-parte decree passed by the Family Court in OP No.618/2010 can be set aside and the said original petition has to be disposed of in accordance with the terms of the settlement.

4. Therefore the above Mat. Appeal is hereby disposed of by setting aside the impugned order passed in IA Nos.95/2015 & 96/2015 in OP No.618/2010. Those applications will stand allowed and the ex parte decree passed by the Family Court, Palakkad in OP No.618/2010 will stand set aside. The original petition before the Family Court will stand decreed in accordance with the terms of the Memorandum of Settlement executed between the parties, which is produced along with the report of the Mediator.

5. Hence the above Mat. Appeal and OP No.618/2010 will stand disposed of in terms of the Memorandum of Settlement arrived. The Memorandum of Settlement produced herein will form part of this judgment.

6. It is agreed by both the side that the attachment ordered by the Family Court can be lifted in view of the disposal of the appeal and the decree passed in terms of the settlement. Hence we ordered accordingly.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge