

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Mat.Appeal.No. 262 of 2013 ()

AGAINST THE JUDGMENT IN OP 1174/2001 of FAMILY COURT,THRISSUR
DATED 31-12-2012

APPELLANT/RESPONDENT:

GOPALAKRISHNAN, AGED 59 YEARS,
S/O. LATE KRISHNAN,
THEKKUMPADAM, PATTIKKAD, THRISSUR

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS/PETITIONERS:

1. K.V.RENUKA, AGED 48 YEARS,
D/O. VELU, KOZHIPARAMBIL HOUSE,
THEKKUMPADAM, PATTIKKAD P.O,
THRISSUR DISTRICT 680 652.

2. T.G. CHANDINI, AGED 20 YEARS,
D/O. RENUKA, KOZHIPARAMBIL HOUSE,
THEKKUMPADAM, PATTIKKAD P.O,
THRISSUR DISTRICT 680 652.

R1,2 BY ADV. SRI.G.SREEKUMAR (CHELUR)

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.K. ABDUL REHIM & K. RAMAKRISHNAN, JJ.

.....
Mat.A.No.262 of 2013
.....

Dated this the 27th day of July, 2015.

JUDGMENT

Ramakrishnan,J:

The respondent in O.P.No.1174/2011 on the file of the Family Court, Thrissur is the appellant herein. The petition in the lower court was filed by the respondents herein for return of gold ornaments and also for past and future maintenance.

2. The case of the respondent in the lower court was that the appellant married the first respondent on 31.10.1989 and thereafter they were living together as husband and wife. During the wedlock, the second respondent was born on 27.7.1990. At the time of marriage 50 sovereigns of gold ornaments were given to the first respondent which were shown as B schedule to the petition in the lower court. The appellant had taken away 45 sovereigns of gold ornaments on 15.12.1989. It was entrusted to him as a trustee. He was cruel to her and gold ornaments which were given to him were misappropriated and no maintenance was paid. So the respondents herein claimed maintenance at the rate of

Rs.7,500/- per mensem from January 1991 onwards. The respondent before the lower court appeared and filed counter denying the allegations. He prayed for dismissal of the petition.

3. After considering the evidence on record, the court below decreed the petition in part directing the appellant herein to return 45 sovereigns of gold ornaments shown as B schedule to the petition or its equivalent value of Rs.7,65,000/- within two months with 6% interest till realization and also directed that the second petitioner is entitled to get Rs. One lakh as marriage expenses to be payable by the appellant within two months, in default to pay interest on the said amount at 6% interest from the date of decree and the second petitioner is entitled to get past maintenance at the rate of Rs.2,000/- per mensem. If the amount is not paid within two months, it will carry interest at the rate of 6% per annum and the first petitioner is entitled to get future maintenance at the rate of Rs.2,000/- per mensem. Aggrieved by the same, the present appeal has been preferred.

4. During the pendency of the appeal, the matter has been referred for mediation and the parties have settled the case in

the mediation and produced mediation agreement along with the report of the mediator.

5. Counsel for the respondents in the appeal submitted that since the matter has been settled in the mediation, he has no objection in passing the decree in terms of the settlement arrived at between the parties in the petition.

6. So, mediation agreement entered into between the parties is accepted and the judgment and decree passed by the court below is set aside and therefore a decree has been passed modifying the decree in terms of the settlement arrived at between the parties. The mediation agreement entered into between the parties will form part of this judgment.

With the above modifications in the judgment and decree passed by the court below this appeal is disposed of.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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