

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Mat.Appeal.No. 618 of 2013

[AGAINST THE ORDER/JUDGMENT IN OP 712/2010 of FAMILY COURT,
MALAPPURAM DATED 17-05-2013]

APPELLANTS(S)/RESPONDENT IN OP:

1. PREMKUMAR, AGED 39 YEARS,
 S/O.CHANDARAN KUNİYATH, 'PALLAPPURAM', PONNANI
 MALAPPURAM.
2. CHANDRAN KUNİYATH,
 AGED 61 YEARS,
 S/O.APPUKKUTTY, PALLAPPURAM,
 PONNANI, MALAPPURAM DISTRICT.
3. THANKAMANI, AGED 55 YEARS,
 W/O.CHANDRAN KUNİYATH,
 PALLAPPURAM, PONNANI,
 MALAPPURAM DISTRICT.

BY ADVS.SRI.B.HARISH KUMAR
 SRI.C.P.UDAYABHANU

RESPONDENT(S)/PETITIONERS IN OP:

RAMIYA
D/O.CHEERAMBATHEL CHANDRAN, CHEERAMBATHEL HOUSE
MARANCHERY POST, MALAPPURAM DISTRICT-679581.

BY ADV. SRI.SRINATH GIRISH
BY ADV. SRI.S.AJITH (PALAKKAD)

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
13-01-2015, ALONG WITH MA. 584/2013 & 580/2013, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

V.K.MOHANAN & P.D.RAJAN, JJ.

Mat. Appeal Nos.580,584 & 618 of 2013

Dated this the 13th day of January, 2015

J U D G M E N T

P.D.Rajan,J:

These appeals are preferred by the appellant/husband against the respondent/wife challenging the order in O.P.Nos.713/2010,711/2010 and 712/2010 of the Family Court, Malappuram. The above Original Petitions are filed by the wife against her husband. O.P.No.713 of 2010 was filed by the wife for divorce on the ground of cruelty. O.P.No.711 of 2010 was filed for getting past maintenance and O.P.No.712 of 2010 was filed for getting the value of 192 sovereigns of gold from the husband.

2. The petitioner/wife filed the above divorce petition O.P.No.713 of 2010 contending that the first respondent/husband married her on 18.4.2009 at Salkara Auditorium, Maranchery as per the customary rights. After the marriage, the parties are residing in

the matrimonial house. At the time of marriage, the petitioner's father had given 4 lakhs of rupees to the husband in the presence of his relatives and the petitioner/wife had been given 192 sovereigns of gold. While residing together in the matrimonial house, the relationship between the petitioner and the first respondent got strained. In the circumstances, they could not proceed further. Finally, the husband misappropriated the gold ornaments. Under such circumstances, the above Original Petitions were filed in the Family Court for divorce, for getting past maintenance and for getting gold ornaments from the husband.

3. In the trial court, the husband resisted the case by filing a written objection contending that there is no such misappropriation and he pressed to dismiss the application. The petitioner/wife adduced evidence in support of her contentions. Her evidence consists of oral testimony of PWs.1 and 2 and documentary evidence of Exts.A1 to A38. The respondent/husband also adduced evidence in

support of his contention. His evidence consists of oral testimony of RWs.1 to 5 and the documentary evidence Exts.B1 to B78(d). The court exhibits are marked as Exts.C1 to C3. The third party's documents are marked as Exts.X1 and X2.

4. After considering the oral and documentary evidence, the Family Court passed the following orders:-

O.P.No.712/2010 was allowed directing the respondent/husband to pay the value of 192 sovereigns of gold ornaments and currency of ₹4 lakhs, totalling a sum of ₹48,21,000/- with 6% interest per annum from the date of filing of the petition. O.P.No.713 of 2010 was allowed and the marriage between the petitioner and respondent was dissolved by a decree of divorce. O.P.No.711 of 2010 was decreed directing respondent to pay past maintenance at the rate of ₹12,000/-to the wife and ₹6000/- to the son per month from 26.11.2007 to 16.7.2010. Aggrieved by the above judgments, the husband preferred the above appeals before this Court.

The wife had also filed M.C.No.728 of 2010 for getting maintenance of ₹15,000/- to the wife and ₹10,000/- to the son. That was also allowed directing the respondent/husband to pay past maintenance at the rate of ₹12,000/- to the wife and ₹6000/- to the son from the date of filing of the M.C. by the Family Court. Against the order in M.C.No.728/2010, the husband has also preferred RP(FC) 204 of 2013 before this Court.

5. When the appeals came up for hearing, the learned counsel appearing for the appellant and the respondent submitted that they are ready and willing to settle the dispute. In the circumstances, this Court referred the matter to mediation on 18.11.2014. On 6.1.2015, after a detailed discussion in the presence of experienced mediators, the dispute was settled between the parties and the Nodal Officer sent a report to this Court on 6.1.2015. Considering the facts and circumstances of the case, when the matter is settled between the parties, there is no necessity to probe further. Therefore, these

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Matrimonial Appeals are disposed of as settled as per the terms of settlement. The terms and conditions arrived by the parties in the settlement will form part of this judgment and these appeals are disposed of accordingly.

Sd/-

**V.K.MOHANAN,
Judge**

Sd/-

**P.D.RAJAN,
Judge.**

MBS/

-true copy-

P.S.TO JUDGE.

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