

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. 661 of 2011 ()

AGAINST THE JUDGMENT IN OP 1829/2008 of FAMILY COURT,
ERNAKULAM DATED 14-06-2011

APPELLANT(S)/RESPONDENT:

MRS.HAFSA, AGED 48 YEARS, D/O.LATE IBRAHIM,
MANATHU THOPPIL HOUSE, KAKKANAD P.O, ERNAKULAM.

BY ADVS.SRI.S.SREEKUMAR (SR.)
SMT.P.DEEPA MOHAN
SRI.E S M KABEER

RESPONDENT(S)/PETITIONER:

M.A.MUHAMMED HUSSAIN, AGED 50 YEARS,
S/O.ABDULLA HAJI, MANATHU THOPPIL HOUSE
THRIKAKARA P.O, KAKKANAD, ERNAKULAM
PRESENTLY WORKING AS FOREMAN IN
MAKKAH WATER COMPANY, POST BOX NO.9002,
JEDDAH 21413, K.S.A.

BY ADV. SRI.T.U.ZIYAD
ADV. SMT.RAMEENA.P.K.
ADV. SRI.T.KRISHNAN UNNI (SR.)

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

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

Mat.Appeal.No.661 of 2011

Dated this the 13th day of January, 2015.

J U D G M E N T

P.D.Rajan, J.

This appeal has been preferred against the judgment in O.P.No.1829/08 of the Family court, Ernakulam. The petition was filed by the husband for declaration of exclusive title and damages against the wife. The petitioner and respondent belonged to Muslim community and their marriage was solemnised in 1982. They purchased 6.500 cents of property in the joint name of both the appellant and respondent by virtue of sale deed No.158/90 of SRO Thrikkakara, for a consideration of Rs.5,000/-. Later, their marital relationship became strained and the husband approached the Family court for declaration of the conjugal rights and the wife filed an objection and raised a counter claim with regard to the above relief. The Family court examined Pws.1 to 3 and Rws.1 to 8 in support of the above

pleadings and admitted A1 to A16 and Ext.B1 and C1 and X1 to X7 in support of the respective contentions. The Family court after considering the above referred oral and documentary evidence, declared that the plaint schedule properties are in the joint ownership of the petitioner and respondent and accordingly a preliminary decree was passed. The property was divided into two equal shares and one share is allotted to the petitioner and one share to the respondent. The counter claim was dismissed and aggrieved by that, the wife preferred this appeal.

2. When the matter came up for hearing, this matter was referred to mediation for settlement on 20.11.2014. The mediator discussed the matter with the appellant and respondent and settled the dispute on 1.1.2015. He submitted a report with regard to the terms of settlement. When the parties have settled the matter and the dispute among them have been resolved, no further proceedings are warranted now. The terms of settlement form part of

this judgment. Accordingly, this appeal is disposed as settled.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge