

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Mat.Appeal.No. 474 of 2014 (F)

**AGAINST THE JUDGMENT IN OP (G&W) No.1030/2009 OF FAMILY COURT,
THIRUVALLA DATED 13-05-2014**

APPELLANTS/RESPONDENTS:

- 1. SREEJAMOL, AGED 34 YEARS,
W/O. LATE RENJITH KUMAR, PANACKAL HOUSE,
CHENGARoor P.O., MALLAPPALLY.**
- 2. VIJAYAN PILLAI,
PANACKAL HOUSE, VALLAMALA MURI,
KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK.**
- 3. SANTHAMMA, W/O.VIJAYAN PILLAI,
PANACKAL HOUSE, VALLAMALA MURI,
KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK.**

**BY ADVS. SRI. S.SUBHASH CHAND
SRI. S.JAYAKRISHNAN**

RESPONDENTS/PETITIONERS:

- 1. RAMAKRISHNA PILLAI K.K.,
S/O. LATE KUTTAPPA PANICKER,
KALEECKAMALAYIL RENJITH BHAVAN,
KUTTOOR MURI & VILLAGE, THIRUVALLA TALUK, PIN - 689 106.**
- 2. VIJAYAMMA C.V.,
W/O. RAMAKRISHNA PILLAI K.K.,
KALEECKAMALAYIL RENJITH BHAVAN,
KUTTOOR MURI & VILLAGE, THIRUVALLA TALUK, PIN - 689 106.**

BY ADV. SRI. P.HARIDAS

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 28-09-2015,
ALONG WITH MA. 613/2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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

**MAT. APPEAL. No.474 of 2014 & Cross Objection No.205/2014
AND
MAT. APPEAL. No. 613 OF 2014**

Dated this the 28th day of September, 2015

JUDGMENT

C.K. ABDUL REHIM, J.

Mat.Appeal.No.474/2014 is filed against the judgment in O.P(G&W) No.1030/2009 of the Family Court, Thiruvalla. In the impugned judgment the respondents herein were given right of custody with respect to their grandson namely Sree Renjith on every second Saturdays till the succeeding Sundays and 2 days each in every Onam and Christmas holidays and 7 days each in every mid-summer vacation. The appellants are challenging the said decree.

2. Mat.Appeal.No.613/2014 is filed by the appellant against dismissal of O.P.No.85/2012 which was filed before the Family Court seeking realisation of patrimony and gold

ornaments.

3. Both the above said appeals were referred for mediation to the Ernakulam Mediation Centre. Report received from the accredited Mediator dated 08.09.2015 would indicate that parties have agreed upon a settlement with respect to all the matrimonial issues including custody of the minor child. A 'Memorandum of Agreement' drawn under Section 89 of Code of Civil Procedure, which is signed by the parties and their respective counsel is attached alongwith the report of the Mediator. As per terms of the 'Memorandum of Agreement', arrangement with respect to custody of the minor child has been conceded between the parties. In terms of the agreement, the parties have agreed for a disposal of Mat.Appeal.No.613/2014, as the claim of the appellant therein stands settled through the terms of agreement.

4. Under the above mentioned circumstances,

MAT. APPEAL. No.474 of 2014 &
Cross Objection No.205/2014

AND

MAT. APPEAL. No. 613 OF 2014

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Mat.Appeal.No.474/2014 and the Cross Objection No.205/2014 filed therein will stand disposed of in accordance with the terms of settlement incorporated in the 'Memorandum of Agreement'. The impugned judgment will stand modified to that extent.

5. Mat.Appeal.No.613/2014 is dismissed as withdrawn in terms of the above said settlement.

5. The 'Memorandum of Agreement' produced along with the report of the Mediator will form part of this common judgment. The parties will abide by the conditions contained therein.

Sd/-
C.K. ABDUL REHIM
JUDGE

Sd/-
MARY JOSEPH
JUDGE

WW