

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Mat.Appeal.No. 504 of 2014 ()

AGAINST THE JUDGMENT IN OP 76/2013 of FAMILY COURT,
MAVELIKKARA DATED 26.12.2013

APPELLANT(S) :

1. ARADH G., AGED 38 YEARS
S/O.GOPALANUNNITHAN, LEKSHMI VIHAR, MUTHUKATTUKARA
NOORANANDU P.O., PALAMEL VILLAGE, MAVELIKKARA TALUK.
2. GOPALAN UNNITHAN, AGED 78 YEARS
-DO- -DO-.

BY ADVS.SRI.K.R.MOHANAN
SRI.SANAL K.M.

RESPONDENT(S) :

PILLAI SMITHA SOMAN, AGED 33 YEARS
D/O.RADHA SOMAN, SUSMITHAM, PANAYIL P.O.
NOORANANDU, PALAMEL VILLAGE, MAVELIKKARA.

BY ADV. SMT.ANITHA M.N. (EKM)

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
06-02-2015, ALONG WITH MA. 505/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ami/

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

Mat.Appeal.Nos.504 and 505 of 2014

Dated this the 6th day of February, 2015.

J U D G M E N T

Mohanan, J.

As the above appeals are arising out of a common judgment and particularly, when the parties are one and the same and the facts and circumstances involved in the matters are also the same, the above appeals are heard together and being disposed of by this common judgment.

2. Mat.Appeal.No.504/14 is directed against the judgment in O.P.No.76/13 of the Family court, Mavelikkara, instituted at the instance of the respondent therein, by which respondents 1 and 2 therein are directed to return 520.046 grams of gold ornaments or its equivalent value amounting to Rs.9,56,800/- to the petitioner therein within one month from the date of judgment. They are also directed to return the movable articles scheduled in the petition or its value amounting to Rs.47,500/- to the

petitioner therein. On the failure, it was declared that the petitioner is entitled to release the amount with interest @ 6% p.a. from the date of decree till realisation from the respondents therein and their assets. The cost was also awarded in favour of the petitioner therein. Whereas, Mat.Appeal No.505/14 is directed against the very same common judgment, particularly against O.P.No.90/13 filed by the husband for divorce under Section 13(1) of the Hindu Marriage Act, 1955, and the Mat.appeal is instituted by the respondent in the above original petition, who is the wife. By the impugned judgment, the court below granted divorce, accepting the contentions of the petitioner therein/the husband, on the ground of cruelty and desertion.

3. During the pendency of the above matters, the above appeals were sent for mediation and the Nodal Officer by his letter dated 2.2.2015, furnished a report of the Mediator and the terms of settlement arrived into between the parties. We have perused the compromise

petition and the terms and conditions contained therein. We are satisfied with the terms and conditions incorporated therein which are signed by the contesting parties and counter signed by the respective counsel. The above compromise petition forms part of this judgment and decree. Accordingly, both the appeals are allowed and a compromise decree will follow accordingly.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge