

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Mat.Appeal.No. 675 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN OP 62/2013 of FAMILY COURT, TIRUR
DATED 27-05-2014

APPELLANT(S)/RESPONDENT :

RAMACHANDRAN AGED 42 YEARS
S/O. LATE KUNHUKUTTAN NAIR, PANANGATTU THODI HOUSE
VILAYOOR POST, PATTAMBI, PALAKKAD DISTRICT
PIN-679 309.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN

RESPONDENT(S)/PETITIONER :

JISHA C.S., AGED 31 YEARS
D/O. CHANDRASEKHARAN, PUTHAN VEEDU, VALIYAKUNNU
VALANCHERI, TIRUR TALUK, MALAPPURAM DISTRICT
PIN-676 552.

R-R BY ADV. SRI.G.UNNIKRISHNAN

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
13-02-2015, ALONG WITH MA. 676/2014, MA. 711/2014,
RPFC. 292/2014, RPFC. 327/2014, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

acd

K.T.SANKARAN & P.D. RAJAN, JJ.

Mat.Appeal Nos. 675, 676, 711/2014 &
R.P.(FC)No. 292/2014 & 327 of 2014

Dated this the 13th day of February, 2015

JUDGMENT

K.T.Sankaran, J.

Mat Appeals as well as R.P.(FC)s are between Ramachandran on the one side and his wife and child namely, Jisha and Amitha on the other side. O.P.No.62/2013 on the file of the Family Court, Tirur was filed by the wife against the husband for recovery of money and ornaments. That Original Petition was partly allowed by the Family Court. The husband filed M.A.No.675/2014 and the wife filed M.A.No.711/2014 against the order passed by the Family Court.

2. The wife filed O.P.No.63/2013 before the Family

Court, Tirur against her husband for divorce. The Family Court allowed O.P.No.63/2013. No appeal is filed by the respondent in O.P.No.63/2013.

3. The husband filed O.P.No.864/2013 on the file of the Family Court, Tirur against the wife claiming custody of the minor child. The Family Court only granted visitorial rights to the husband and the claim for permanent custody of the minor child was declined. The husband filed M.A.No.676/2014 challenging the order in O.P.No.864/2013.

4. The wife and the minor child filed M.C.No.36/2013 before the Family Court, Tirur against the husband claiming maintenance. The Family Court allowed M.C.No.36/2013 against which the husband filed R.P.(FC) No.327/2014 and the wife and the minor child filed R.P.(FC)No.292/2014.

5. When the Mat.Appeals and the R.P.(FC)s came up for hearing, the matter was referred for mediation. The parties settled their disputes and differences before the Mediation Centre and a Memorandum of Agreement was executed and signed by them on 2.2.2015. The terms of the Memorandum of Agreement are the following:

- "1. The husband Ramachandran has cleared the entire outstanding maintenance amount upto 24.12.2014. The respondent Jisha C.S. has no claim over further maintenance.
2. The wife Jisha has cleared the outstanding pledge amount in AGRL, GL484 before the Koppam Service Co-operative Bank evening branch Vilayoor.
3. The husband Ramachandran has filed Crl.M.C.260/2015 before the Hon'ble High Court of Kerala to quash Section 498A IPC proceedings in C.C.3094/2013 of JFMC-I, Tirur in connection with the settlement arrived by the parties.
4. The wife Jisha C.S. has filed Crl. M.C. 259/2015 before the Hon'ble High Court of Kerala in connection with the crime No.642/2012 of Pattabi Police Station pending before the JFMC, Pattambi filed by Jisha K., wife of Murali Kumar younger brother of the appellant under Section 406 and 420 of IPC on the basis of the

compromise between the parties. The Hon'ble High Court has allowed Crl.M.C. 259/2015 and Crl.M.C.260/2015 and quashed the entire proceedings pending before the courts below.

5. The wife Jisha C.S. has transferred her F.D in the evening branch of Koppam Service Co-operative Bank to the main branch of the Koppam Service Co-operative Bank in the name of minor daughter Amitha. The F.D. Number is 102140010052541.

6. Both parties have agreed that the wife Jisha C.S. the mother will have the permanent custody of the daughter Amitha.

7. The husband Ramachandran has agreed to pay an amount of Rs.1,500/- to the minor daughter Amitha on or before 10th of every month respectively.

8. The wife Jisha C.S has agreed that the overnight stay of the minor child Amitha shall be with the appellant on every Second Saturday from 10.00 A.M. to next day Sunday upto 4.00 P.M. every month.

9. The husband Ramachandran will have the visitorial right on every 4th Saturday of every month from 10.30 A.M. to 4.30 P.M.

10. Ramachandran has agreed to file a petition for lifting the attachment in O.P.62/2013 of the Family Court, Tirur and respondent will have no objection in allowing that petition.

11. Both parties have agreed that no further claim shall be raised against each other in future.

12. Both parties agree to have all the matters pending before the Hon'ble High

Court of Kerala to be disposed off on the basis of this compromise."

The Memorandum of Agreement is recorded and the Mat.Appeals and R.P.(FC)s are disposed in terms thereof.

K.T. SANKARAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

