

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Mat.Appeal.No. 781 of 2014 ()

AGAINST THE JUDGMENT DATED 26-09-2007 IN OP 489/2005 of
FAMILY COURT, THIRUVALLA

APPELLANTS/RESPONDENTS:

*1. E.G. SURESH

AGED 42 YEARS, S/O.GOPALAKRISHNAN E.K,
EETTICKAL KIZHAKKETHIL HOUSE
ADICHIPPUZHA P.O, MOTHIRAVAYAL, VALIYAKULAM
PAZHAVANGADI VILLAGE, RANNI TALUK PATHANAMTHITTA

2. GOPALAKRISHNAN E.K.,

AGED 64 YEARS
EETTICKAL KIZHAKKETHIL HOUSE, ADICHIPPUZHA P.O
MOTHIRAVAYAL, VALIYAKULAM, PAZHAVANGADI VILLAGE
RANNI TALUK PATHANAMTHITTA.

*3. PADMINI,

AGED 59 YEARS, W/O.GOPALAKRISHNAN E.K,
EETTICKAL KIZHAKKETHIL HOUSE
ADICHIPPUZHA P.O, MOTHIRAVAYAL, VALIYAKULAM
PAZHAVANGADI VILLAGE, RANNI TALUK PATHANAMTHITTA

*[THE 1st & 3rd APPELLANTS ARE REPRESENTED BY POWER OF ATTORNEY
HOLDER, THE 2ND RESPONDENT VIDE JUDGMENT DATED 31-07-2015 IN
MAT. APPEAL No.781/2014

GOPALAKRISHNAN E.K.,
AGED 67 YEARS, S/O. LATE. KRISHNAN,
EETTICKAL KIZHAKKETHIL HOUSE, ADICHIPPUZHA P.O
MOTHIRAVAYAL, VALIYAKULAM, PAZHAVANGADI VILLAGE
RANNI TALUK PATHANAMTHITTA].

BY ADV. SRI.N.N.SASI

RESPONDENT/PETITIONER:

****REKHA V.G.,
AGED 32 YEARS, D/O. V.N GOPI,
RAJANISH BHAVAN, NARANGANAM WEST P.O.
NARANGANAM VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA-689 642.**

****[THE RESPONDENT IS REPRESENTED BY POWER OF ATTORNEY
HOLDER, VIDE JUDGMENT DATED 31-07-2015 IN MAT. APPEAL
No.781/2014**

**V.N. GOPI,
AGED 62 YEARS, S/O. NEELAKANDAN,
RESIDING AT RAJANEESH BHAVAN,
NARANANGANAM WEST P.O., NARANANGANAM VILLAGE,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT,
KERALA STATE].**

**BY ADVS.SRI.ARUN.B.VARGHESE
SRI.JAYKAR.K.S.**

**THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 31-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

Mat. Appeal. No.781/2014

APPENDIX

APPELLANTS' ANNEXURES

**ANNEXURE- A1 - ORIGINAL POWER OF ATTORNEY DATED 22-07-2015
EXECUTED BY THE 1ST & 3RD APPELLANTS IN FAVOUR OF
2ND APPELLANT.**

RESPONDENT'S ANNEXURES

**ANNEXURE- R1 - ORIGINAL POWER OF ATTORNEY DATED 09-07-2015
EXECUTED BY THE RESPONDENT IN FAVOUR OF HER FATHER.**

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

Mat. Appeal No. 781 OF 2014

DATED THIS THE 31st DAY OF JULY, 2015

J U D G M E N T

K. Ramakrishnan, J:

The respondents in OP 489/2005 on the file of the Family Court, Thiruvalla are the appellants herein. The petition was filed by the respondent herein against the appellants who are the husband, father-in-law and mother-in-law of the respondent for realisation of the value of 75 sovereigns of gold ornaments. The matter was settled before the family court in the absence of the 1st and 3rd respondent and on the basis of that compromise, the family court had disposed of the matter. Aggrieved by some of the terms of the agreement which was not signed by the 1st respondent and 3rd respondent making them liable for the amount, the present appeal has been filed.

2. During the pendency of the proceedings the matter has been referred for mediation and the parties have

settled the case in the mediation. The 1st and 3rd appellants were represented by power of attorney namely, the 2nd appellant and they filed I.A.2617/2015 permitting them to be represented through the power of attorney holder and that application is allowed and the appellants 1 and 3 are permitted to appear through the 2nd appellant power of attorney holder. The respondent herein is also now represented by power of attorney and she filed I.A. 2602/2015 for seeking permission of this court to represent the respondent through power of attorney and since the matter has been settled between the parties on the basis of power of attorney before the mediator also, this application is also allowed. The mediator has sent a report along with memorandum of settlement entered into between the parties. In view of the settlement arrived between the parties and also both the counsel submitted that the decree passed by the court below can be set aside and modified decree can be passed on the basis of settlement, the memorandum of agreement entered into between the

parties is recorded, the appeal is allowed and the decree and judgment passed by the court below is set aside and the same is modified in terms of the settlement arrived between the parties.

The memorandum of settlement entered into between the parties will form part of this judgment.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge