

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 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Mat.Appeal.No. 832 of 2014 ()

AGAINST THE ORDER/JUDGMENT IN OPDIV 432/2013 of FAMILY COURT,
MAVELIKKARA DATED 14-08-2014

APPELLANT/PETITIONER:

ANJU SARA ALEX @ SARA AGED 29 YEARS
W/O.GEORGE VARGHESE @ SANTHOSH, KILIYILATH HOUSE
BANK ROAD, KAYAMKULAM MURI, KAYAMKULAM VILLAGE
REPRESENTED BY HER POWER OF ATTORNEY HOLDERSMT.SHELBY ALEX.

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.GEORGE A.CHERIAN

RESPONDENT(S)/RESPONDENTS:

1. GEORGE VARGHESE @ SANTHOSH, AGED 32 YEARS
S/O.K.V.VARGHESE, KENAVOLIL RAJAN VILLA, MAZHUKEER
KALLISSERRY P.O., CHENGANNUR, ALAPPUZHA DISTRICT
PIN - 689 121.

2. K.V.VARGHESE, AGED 67 YEARS
KENAVOLIL RAJAN VILLA, MAZHUKEER
KALLISSERRY P.O.CHENGANNUR, ALAPPUZHA DISTRICT
PIN - 689 121.

3. ANNAMMA VARGHESE, AGED 58 YEARS
W/O.K.V.VARGHESE, KENAVOLIL RAJAN VILLA, MAZHUKEER
KALLISSERRY P.O., CHENGANNUR, ALAPPUZHA DISTRICT
PIN - 689 121.

R1-R3 BY ADV. SRI.JACOB P.ALEX
R1-R3 BY ADV. SRI.JOSEPH P.ALEX

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 10-
02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

.....
Mat Appeal No.832 of 2014

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Dated 10th February, 2015

JUDGMENT

V.K.MOHANAN, J

The appellant herein approached the Family Court, Mavelikkara by filing O.P(Div) 432 of 2013 for declaring the marriage between herself and the first respondent as null and void and for return of gold ornaments or its value and for realisation of money from the respondent. Learned Judge of the Family Court, by judgment dated 14.8.2014, though dismissed the prayer for divorce, directed the respondents 1 and 2 to pay an amount of Rs.4 lakhs to the petitioner therein within one month from the date of the judgment, failing which it is declared that the petitioner is entitled to realise the said amount with interest at the rate of 6% per annum from the date of the judgment till realisation from respondents and their assets. Aggrieved by the order of the learned Judge, rejecting the prayer for divorce, the said petitioner preferred this appeal.

2. During the pendency of the above appeal, it was sent for mediation and accordingly, by letter dated 03.02.2015 of the Nodal Officer, Kerala Mediation Centre, forwarded the report of the Mediator including the Memorandum of Agreement prepared under Section 89 of the Code of Civil Procedure read with Rule 24 and 25 of the Kerala Civil Procedure (Mediation Rules) 2008.

3. We have perused the above memorandum of agreement and we are satisfied with the terms and conditions agreed to by the parties which are signed by them and counter signed by the respective counsel.

4. Learned counsel for the respondent submitted that in terms of the above settlement, while complying with all other terms, a joint application for divorce on mutual consent has already been filed before the court below. The above referred memorandum of agreement forms part of this judgment. As the dispute among the contesting parties is settled through mediation, we are of the view that this appeal can be disposed of in terms of the above agreement.

In the result, this appeal is disposed of in terms of the agreement dated 02.02.2015 referred above which form part of this judgment. A decree would follow accordingly.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

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