

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Mat.Appeal.No. 547 of 2009 ( )  
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AGAINST THE JUDGMENT IN OP 407/2007 of FAMILY COURT,KOZHIKODE  
DATED 06-06-2009

APPELLANT(S)/APPELLANTS:  
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1. PRABHAVATHI, W/O. CHANDRAN (LATE)  
THAZHAGTHUM PADIKKAL KACHERI AMSOM DESOM  
KOZHIKODE TALUK.

2. JIJEESH, S/O. LATE CHANDRAN,  
THAZHATHUM PADIKKAL, KACHERI AMSOM DESOM  
KOZHIKODE TALUK.

BY ADVS.M/S.ANIL SIVARAMAN & RAJI VINCENT.

RESPONDENT(S) :  
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DHANALAKSHMI, CHEROTE PARAMBU,  
"SHERMI NIVAS" B.G.ROAD. NADAKKAVUL  
KOZHIKODE TALUK.

R1 BY ADVS.M/S. V.V.SURENDRAN & P.A.HARISH.

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD  
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**C.K.Abdul Rehim & Mary Joseph, JJ.**

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Mat.A.No.547 of 2009

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Dated this the 16<sup>th</sup> day of October, 2015.

**JUDGMENT**

**Abdul Rehim, J.**

1. The above appeal is instituted against dismissal of O.P.No.407 of 2007 by the Family Court, Kozhikode, which was filed by the appellants herein seeking declaration that the appellants are the legal heirs of one deceased Chandran and that they are the only persons entitled to get the terminal benefits out of the employment of Chandran, and also seeking a declaration to the effect that the respondent herein is not a legal heir of the deceased Chandran and that she is not entitled to any such benefits.
2. During pendency of the above appeal, the matter was referred for mediation to the District Mediation Centre, Kozhikode. A report of the Mediator, dated 19.8.2015 forwarded from the District Mediation

Centre would indicate that the parties have arrived at a settlement with respect to all the issues. The terms of the settlement was reduced in writing in the form of a 'Memorandum of Agreement' drawn under Section 89 of the Code of Civil Procedure, executed by both the parties and their respective counsel. The Memorandum of Agreement is enclosed along with the report of the Mediator.

3. As per the terms of the 'Memorandum of Agreement' it is evident that the appellants have agreed to withdraw this appeal on the basis of payment of a sum of ₹1,00,000/- (one lakh) made by the respondent to the appellants.

Under the above mentioned circumstances, the appeal is dismissed as withdrawn. The Memorandum of Agreement enclosed along with the report of the Mediator will form part of this judgment.

**C.K.Abdul Rehim, Judge.**

**Mary Joseph, Judge.**