

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Mat.Appeal.No. 941 of 2014 ()

AGAINST THE ORDER DATED 29.9.2014 IN I.A.NO.775/2014 IN
O.P.NO.57/2011 OF FAMILY COURT, TIRUR.

APPELLANT(S)/2ND PETITIONER:

NARAYANAN, AGED 42 YEARS
S/O.ACHUTHAMENON, KARUVATHUVALAPPIL VEEDU
THRIKANAPURAM P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S)/RESPONDENT & 1ST PETITIONER:

-
1. SUCHITHRA.K.
D/O.PARAMESWARAN NAMBIARR, KOLATH HOUSE
KALADY AMSOM DESOM, PONNANI TALUK
MALAPPURAM DISTRICT, PIN 675011.
 2. THULASIDAS, S/O.ACHUTHAMENON
KARUVATHUVALAPPIL VEEDU
THRIKANAPURAM.P.O., MALAPPURAM DISTRICT, PIN 675011.

R1 BY ADV. SMT.N.DEEPA
R2 BY ADV. SMT.T.J.SEEMA

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

Mat.Appeal No.941 of 2014

Dated this the 12th day of February, 2015

JUDGMENT

K.T.Sankaran, J.

The first respondent Suchithra filed O.P.No.57 of 2011 on the file of the Family Court, Tirur against her husband Thulasidas, his brother Narayanan and mother Lakshmikkutty Amma for realising value of the ornaments and cash given at the time of marriage between Suchithra and Thulasidas. The Family Court passed an ex-parte decree. The respondents in O.P.No.57 of 2011 filed I.A.No.775 of 2014 to set aside the ex-parte decree. That application was dismissed by the order dated 29th September, 2014, which is under challenge in this Mat.Appeal. The disputes between the parties were settled and a compromise petition is filed as I.A.No.495 of 2015. The averments in the compromise petition are the following :

“The above Mat.Appeal is filed challenging the order in I.A.775/2014 in O.P.No.57/2011 of the Family Court, Tirur. The above I.A. is filed to set aside the ex-parte decree passed in O.P.57/2011 of the Family Court, Tirur. By virtue of the ex-parte order the learned Family Court was pleased to allow the above O.P. Therefore, the petitioner filed the above I.A. to set aside the ex-parte order. The learned Family Court was pleased to dismiss the I.A. without considering the contentions of the petitioner. Hence aggrieved the appellant preferred the above Mat.Appeal.

It is submitted that pending the above Mat.Appeal, the issue between the husband and wife has been amicably settled through mediation and the second respondent husband has compensated the first respondent. Therefore the first respondent decided to withdraw the case against the petitioner and the second respondent and hence this petition is filed.

Hence it is prayed that this Hon'ble Court may pleased to record the terms of this compromise and allow the appeal setting aside the impugned judgment and decree in O.P.57/2011 on the file of the Family Court, Tirur.”

2. The learned counsel for the appellant submitted that on 30th December, 2014, an agreement was executed between the parties by which Thulasidas agreed to transfer an extent of 8.43 cents of land belonging to him in favour of his wife Suchithra and two daughters born in the wedlock. The learned counsel submitted that such a document transferring the property was executed by Thulasidas. The learned counsel also submitted that subsequent to the execution of the document, Suchithra, Thulasidas and their children are living together.

In view of the settlement between the parties, the Mat.Appeal is allowed and ex-parte decree in O.P.No.57 of 2011 on the file of the Family Court, Tirur, is set aside.

K.T.SANKARAN
JUDGE

P.D.RAJAN
JUDGE