

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Mat.Appeal.No. 972 of 2014 ()

AGAINST THE JUDGMENT IN OP 945/2013 of FAMILY COURT,
KOTTAYAM AT ETTUMANOOR DATED 27-09-2014

APPELLANT(S)/RESPONDENT IN OP NO.945/13:

DR.SHEELA OOMMEN, AGED 64 YEARS
D/O.K.O.OOMMEN, KALAPPURACKAL HOUSE, JAIL ROAD
BIKANER, RAJASTHAN.

BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.O.A.NURIYA
SMT.SYAMA MOHAN

RESPONDENT(S)/PETITIONER IN OP NO.945/13:

DR.MANI THOMAS, AGED 66 YEARS
S/O.P.M.THOMAS, PANAMPUNNAYIL, VARISSERY PADY
CHUNGAM, AYMANOM VILLAGE, KOTTAYAM DISTRICT-686 001.

BY ADV. SMT.SARITHA THOMAS
ADV. SRI.SAJEEVAN KURUKKUTTIYULLATHIL

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 25-02-2015,
ALONG WITH MA NO.1131/14, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

Mat.Appeal.Nos.972 & 1131 of 2014

Dated this the 25th day of February, 2015.

J U D G M E N T

Mohanana, J.

As the above two appeals are arising out of common judgment dated 27.9.2014 in O.P.Nos.1679/12 and 945/13 of the Family court, Kottayam at Ettumanoor and as the parties are the same, the above appeals are heard together and being disposed by this common judgment. O.P.No.1679/12 was filed before the court below by the wife for recovery of gold ornaments and money but the same was declined, whereas O.P.No.945/13 was filed by the husband for divorce which was allowed. Both the Mat.appeals are preferred by the wife against the husband, who is the respondent herein.

2. During the pendency of the above appeals, the matters were sent for mediation and now the Nodal Officer, Kerala Mediation Centre, by his letter no.145/15 dated 2.2.2015 has forwarded the report of the Mediator,

including the terms and conditions arrived on by both the parties. The memorandum of agreement under section 89 of CPC r/w Rules 24 and 25 of the Kerala Civil Procedure (Mediation), Rules, 2008, forms part of this judgment. We have perused the terms and conditions, which are signed by the contesting parties and counter signed by the respective counsel. Both the counsel submitted that, in terms of Clause (3) of the terms of memorandum of agreement, a demand draft for Rs.4,50,000/- drawn in the name of appellant/wife has already been handed over to the counsel appearing for the appellant. The said fact is also recorded.

In the result, these appeals are disposed of in terms of the above referred memorandum of agreement and accordingly a decree will be followed.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

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//True copy//

P.A.to Judge