

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Mat.Appeal.No. 585 of 2009 ()

AGAINST THE JUDGMENT IN OP 441/2007 OF FAMILY COURT, PALAKKAD

APPELLANT(S) /APPELLANT:

RAMYA
KAITHAPADATH, PUZHAKKILIDAM, VADAKKENCHERRY
ALATHUR TALUK PLALAKKAD DIST.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S) :

PRADEEP
ICEA PARAMBIL MANJAPRA.P.O. ALATHUR TALULK
PALAKKAD DIST.

BY ADV. SRI.G.SHRIKUMAR
BY ADV. SRI.SREEJITH S.NAIR

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 16-11-2015, ALONG WITH MA. 693/2009 AND MA 1160/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

=====

M.A.Nos.585 & 693/2009 & 1160/2014

=====

Dated this the 16th day of November, 2015.

JUDGMENT

Abdul Rehim, J.

1. All the above three appeals arise out of cases instituted by the parties herein before the Family Court, Palakkad. Mat.Appeal.No.1160 of 2014 is filed by the husband against dismissal of his case, O.P.No.936/2015 instituted seeking restitution of conjugal rights before the Family Court. Mat.Appeal.No.693 of 2009 is filed by the wife against the dismissal of her claims in O.P.No.453 of 2007 by the Family Court, which was filed seeking return of gold and money. Mat.Appeal.No.585 of 2009 is filed against the order in O.P.No.441 of 2007 of the Family Court, in which case instituted by the wife for dissolution of the marriage on the ground of cruelty is disallowed.
2. During pendency of the above appeals the cases were referred for mediation to the Ernakulam Mediation Centre. Report submitted by

the Mediator on 12.10.2015 would indicate that the parties have resolved the entire disputes and decided to file a joint application for divorce under Section 13B of the Hindu Marriage Act, before the Family Court, based on mutual consent. It was further agreed by both the parties to withdraw the above appeals and also the other criminal cases, which are pending before the Judicial First Class Magistrate, Alathur and Criminal Revision Petition pending before the Sessions Court, Palakkad. It is submitted that in view of the settlement a joint application for dissolution of the marriage was already filed before the Family Court. It is evident that the terms of the settlement has been reduced into a 'Memorandum of Agreement' drawn under Section 89 of the Code of Civil Procedure, which is signed by both the parties and their respective counsel. The said Memorandum is attached along with the report of the Mediator.

3. Under the above mentioned circumstances, all the above three appeals are hereby dismissed as withdrawn on the basis of the

'Memorandum of Agreement'. The parties will abide by the terms of 'Memorandum of Agreement'. The 'Memorandum of Agreement' incorporated along with the report of the Mediator will form part of this judgment.

Sd/-

C.K.Abdul Rehim, Judge.

Sd/-

Mary Joseph, Judge.

sl.

/true copy/

P.S. to Judge.