

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Mat.Appeal.No. 980 of 2014 ()

AGAINST THE JUDGMENT IN OP 865/2011 of FAMILY COURT,TRIVANDRUM

APPELLANT(S)/APPELLANT/RESPONDENT:

G.NANDAKUMAR AGED 54 YEARS
S/O.GOPINATHAN, SREE CHAKRAM, ARAPPURA LANE
KANNAMMOOLA, THIRUVANANTHAPURAM

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENT(S)/RESPONDENTS/PETITIONERS:

1. JAYASREE B.S., AGED 47 YEARS
D/O.SUBHASHINI, THUNDUVILAKATHU VEEDU, PAVATHIYANVILA
PARASSALA P.O, PARASSALA VILLAGE
NEYATTINKARA TALUK 695 101

2. VINAYAK N.J, AGED 17 YEARS
S/O.G NANDAKUMAR(MINOR) REPRESENTED BY THE MOTHER AND GUARDINA
DO DO TRIVANDRUM 695 101

R1,R2 BY ADV. SRI.S.V.PREMAKUMARAN NAIR
R1,R2 BY ADV. SRI.R.T.PRADEEP

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 14-
10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

Mat.A.No.980 of 2014

Dated this the 14th day of October, 2015.

JUDGMENT

Abdul Rehim, J.

1. In the decree impugned in this appeal, the Family Court had allowed claims raised by the respondents, after declaring the appellant as ex-parte, on the following terms:

“(1) Petitioners are allowed to realize monthly maintenance at the rate of ₹3,000/- to the 1st petitioner and ₹2,000/- to the 2nd petitioner from August, 2010 till the date of the filing of the petition (07/06/2011) being past maintenance and at the same rate from the date of the petition till 1st petitioner continue to be the wife/divorced wife of the respondent and till 2nd petitioner attains majority.

(2) 1st petitioner is allowed to realize ₹15 lakh being the

value of gold ornaments from respondent and his assets.

(3) A decree is passed declaring that the title to A schedule property absolutely vest with the 1st petitioner and respondent is only a name lender and he is restrained from proceeding by virtue of Ext.A1 or encumbering the property.

(4) The decree will be realized from the respondent and his assets.”

2. During pendency of this appeal, the parties were referred mediation to the District Mediation Centre, Thiruvananthapuram, for exploring possibility of any Mediation Settlement. The report received from the Mediation Centre, dated 5.10.2015, enclosing report of the Mediator, dated 29.9.2015 would indicate that all the issues existed between the parties with respect to the subject-matter of the case before the Family Court was settled. 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 parties have agreed that the impugned decree can be modified in terms of the settlement

arrived at.

3. Under the above circumstances, the above appeal is hereby disposed of by modifying the impugned decree and by disposing O.P.No.865 of 2011 on the files of the Family Court, Thiruvananthapuram in terms of the 'Memorandum of Agreement' arrived at. The 'Memorandum of Agreement' executed between the parties, which is produced along with the report of the Mediator, will form part of this judgment. The parties will abide by the terms of the Agreement.

C.K.Abdul Rehim, Judge.

Mary Joseph, Judge.

sl.