

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. 1094 of 2014 ()

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AGAINST THE JUDGMENT IN OP 490/2013 OF FAMILY COURT, KANNUR  
DATED 24-10-2014

APPELLANT(S)/RESPONDENT:

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M.VIVEK KUMAR, AGED 44 YEARS  
S/O.ANANDAN, NEAR DINESH BHAVAN  
MADTHIKANDI HOUSE  
P.O.CHALAD, KANNUR.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)  
SRI.ABDUL RAOOF PALLIPATH

RESPONDENT(S)/PETITIONER:

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NEETHU.K, AGED 30 YEARS  
D/O.NANDANAN, SUSHANA COTTAGE  
THAVAKKARA  
KANNUR-670002.

R1 BY ADV. SRI.M.RAMESH CHANDER (SR.)  
R1 BY ADV. SRI.ANEESH JOSEPH  
R1 BY ADV. SMT.DENNIS VARGHESE

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON  
12-02-2015 ALONG WITH MAT.APPEAL NO.1105/2014, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:

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

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Mat.Appeal No.1094 of 2014

&

Mat.Appeal No.1105 of 2014  
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Dated this the 12<sup>th</sup> day of February, 2015

***JUDGMENT***

**K.T.Sankaran, J.**

Mat.Appeal No.1094 of 2014 arises out of O.P.No.490 of 2013 on the file of the Family Court, Kannur. O.P.No.490 of 2013 was filed by Neethu, the wife of Vivek Kumar for divorce. The Family Court granted a decree of divorce against which the husband Vivek Kumar filed Mat.Appeal No.1094 of 2014.

2. The wife filed O.P.No.284 of 2013 against her husband claiming past and future maintenance. The Family Court allowed the Original Petition against which the husband filed Mat.Appeal No.1105 of 2014.

3. When the appeals came up for hearing, the parties

were referred for mediation. The disputes and differences between the parties were settled before the Mediation Centre and a memorandum of settlement was executed and signed by the parties. The terms of memorandum of settlement are the following :

“Both parties agree to settle their case amicably in the following terms and conditions:

1. Both the appellant and respondent agreed to accept the order dissolving their marriage as per judgment in O.P.No.490/2013 of Family Court, Kannur.

2. The legal custody of minor child, Adwin will be with the mother Neethu.

3. The appellant/father of child Adwin will have visitorial right of child at Kannur Railway Muttappan Temple premise at 9.00 A.M. on first and third Sundays of every month. In case appellant fail to come to visit the child consequently for two

months, his visitorial right will cease to operate.

4. The respondent/wife abandoned and relinquished the amount of past maintenance, future maintenance and alimony ordered by Family Court in the proceedings O.P.No.490/2013, O.P.No.284/2013 and M.C.No.158/2013. In lieu of the above said, relinquishment, abandonment and waiver the respondent/wife agree to receive a total sum of ₹2,00,000/- (Rupees Two Lakhs only) towards past and future maintenance and alimony. The appellant undertake to pay the said amount of ₹2,00,000/- on or before 6.8.2015. On failure of above said payment within the stipulated time, the respondent/wife is entitled to realise the amount with 12% interest from the appellant personally and from his assets.

5. The appellant/father of child Adwin undertake to pay maintenance amount of ₹2,000/- (Rupees Two Thousand only) per months as ordered by Family Court, Kannur before 10<sup>th</sup> day of every each calendar months from this month onwards.

6. The criminal case initiated at the instance of respondent wife against appellant which is pending as C.C.No.1510/2013 before Judicial First Class Magistrate Court-I Kannur is settled. The said case will be settled through due process of law after receipt of amount specified in clause (4) above. There will be no future claims or cases between the parties relating to their matrimonial issues.

The above appeal may be disposed of in terms of above settlement.”

The memorandum of settlement is recorded and the Mat. Appeals are disposed of in terms of the same.

**K.T.SANKARAN  
JUDGE**

**P.D.RAJAN  
JUDGE**