

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Mat.Appeal.No. 1108 of 2014 ()

AGAINST THE JUDGMENT IN OP 80/2012 OF FAMILY COURT, THALASSERY
DATED 19-08-2014

APPELLANT(S)/RESPONDENT:

RAJISHA P. AGED 25 YEARS
D/O.JANARDHANAN, KOMATH HOUSE, MALLANNUR P.O.
MALLANNUR, THALASSERY TALUK, KANNUR DISTRICT
PIN-670701.

BY ADVS.SRI.ABU MATHEW
SRI.AJU MATHEW
SRI.ABHILASH MATHOOR

RESPONDENT(S)/PETITIONER:

SUNIL M., AGED 31 YEARS
S/O.BALAKRISHNAN, KORAPRATH KANDI HOUSE, MOCHERI
ULIYIL P.O., THALASSERY TALUK, KANNUR DISTRICT
PIN-670702.

R1 BY ADV. SRI.C.KHALID
R1 BY ADV. SRI.PHIJO PRADEESH PHILIP

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
07-04-2015, ALONG WITH RPFC. 12/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

Mat.Appeal No.1108 of 2014

&

R.P.(F.C.) No.12 of 2015

Dated this the 8th day of April, 2015

JUDGMENT

K.T.Sankaran, J.

The appellant in the Mat.Appeal and the petitioner in the R.P.(F.C.) is the wife of the respondent. The respondent filed O.P.No.80 of 2012 on the file of the Family Court, Thalassery, to declare the marriage between the appellant and the respondent as null and void. The Family Court decreed O.P.No.80 of 2012, against which the wife filed Mat.Appeal No.1108 of 2014.

2. The wife filed M.C.No.105 of 2012, claiming maintenance. In view of the decree in O.P.No.80 of 2012, the

Family Court dismissed M.C.No.105 of 2012. Against the order in M.C.No.105 of 2012, the wife filed R.P.(F.C.)No.12 of 2015.

3. When the matter came up for hearing, the parties were referred for mediation. The parties settled their disputes and differences before the Ernakulam Mediation Centre (High Court) and a memorandum of agreement was signed by them. The terms of the memorandum of agreement are the following :

“Parties agreed to settle the dispute involved in the above Mat.Appeal pending before this Hon'ble Court on the following terms and conditions :

1. Both parties agreed to set aside the judgment and decree O.P.No.80/2012 before the Family Court, Thalassery and allow the Mat.Appeal No.1108/2014.

2. Both parties agreed to file an application under Section 13(B) of Hindu Marriage Act for

divorce by mutual consent before the Family Court, Thalassery within one month from the date of receipt of the copy of the order of this Mat.Appeal.

3. Respondent Sunil Kumar agrees to hand over a gold chain weight approximately 1.5 sovereigns to appellant on the date of final hearing of the divorce petition under Section 13(B) of Hindu Marriage Act to be filed before the Family Court, Thalassery.

4. The respondent agrees to pay ₹80,000/- (Rupees Eighty Thousand only) as future maintenance towards full and final settlement on the date of final hearing of the divorce petition under Section 13(B) of Hindu Marriage Act to be filed before the Family Court, Thalassery.

5. The appellant/revision petitioner agrees that she will not make any further claims in relation with matrimonial tie between the parties.

6. Both parties agreed to allow the R.P. (F.C.) No.12/2015 in terms of the above compromise.”

The memorandum of agreement is recorded and accordingly, Mat.Appeal No.1108 of 2014 is allowed and the order passed by the Family Court in O.P.No.80 of 2012 is set aside. R.P.(F.C.) No.12 of 2015 is disposed of in terms of the compromise.

K.T.SANKARAN
JUDGE

BABU MATHEW P.JOSEPH
JUDGE

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