

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Mat.Appeal.No. 1152 of 2014

ORDER DATED 18-11-2014 IN OP 14/2011 of FAMILY COURT,THRISSUR
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APPELLANT(S)/RESPONDENT:

PREETHI, AGED 38 YEARS,
D/O.KUMARAN KUNNATH BALASUBRAMANIAN,
KOLAZHI DESOM & VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENT(S):

SASIKUMAR,
S/O.THAZHATH NARAYANAN, CHELOOR DESOM,
MANAVALASSERY VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DIST - 680 121.

BY ADVS. SRI.MAHESH V.MENON (CAVEATOR)
SRI.K.G.BALASUBRAMANIAN

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 09-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

C.K.ABDUL REHIM & K.RAMAKRISHNAN, JJ.

Mat. Appeal .No. 1152 of 2014

Dated this the 9th day of June, 2015

JUDGMENT

K.Ramakrishnan,J.

Respondent in OP.No.14/2011 before the Family Court, Thrissur is the appellant herein. OP.No.14/2011 was filed by the respondent for appointing him as guardian of the minor children. The averments in the petition is that the marriage between them was solemnised on 16.9.1999 and two children were born to them in that wedlock. Thereafter the relationship between them strained. Other petitions were also filed between the parties as OP.Nos.2159/2010, 2197/2010,9/2011, 2008/2012 & 4/2013. All these cases were tried jointly by the Family Court and by a common judgment the Family Court allowed OP.Nos. 9/2011, 14/2011 and 4/2013 and other petitions were dismissed. Except against the order in OP.No.14/2011, no other orders

have been challenged by the parties.

2. During pendency of this case, the matter has to be referred for mediation and parties have settled the matter and the mediator has sent a report along with the memorandum of agreement entered into between the parties. As per the agreement, parties have agreed that the children will be with the mother and they have no objection in setting aside the order passed by the court below appointing the father as guardian and giving permanent custody of the children to the mother and giving visitorial right to the respondent father. So the above settlement is recorded to that extent in this case and the decree and judgment passed by the court below in OP.No.14/2011 is set aside and the appeal is disposed of in terms of the settlement arrived between the parties in respect of the guardianship and custody of the children and visitorial right as agreed between the parties as we are satisfied that the settlement is beneficial to the interest of

the children. The memorandum of agreement entered into between the parties will form part of this agreement. Parties are at liberty to work out the other terms of settlement before the respective forums in accordance with law.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

