

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM**

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Mat.Appeal.No. 500 of 2010

JUDGMENT IN OP 824/2008 OF FAMILY COURT, THIRUVALLA DATED 18-12-2009
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APPELLANT(S)/PETITIONER IN O.P.:

**FLORY THOMAS @ ELAMMA THOMAS,
W/O.SAJI JACOB, THARAMANNIL VEEDU, CHERVALLY P.O.,
MANIMALA, KANJIRAPPALLY TALUK.**

BY ADV. SRI.ARUN.B.VARGHESE

RESPONDENT(S)/RESPONDENTS IN O.P.:

- 1. SAJI JACOB, AGED 35 YEARS,S/O.V.M.CHACKO,
VETTARMURIYIL VEEDU, NELLIMALA, THALAPPALLY P.O.,
PERUNADU PANCHAYATH, KOLLAMULA VILLAGE, RANNY TALUK.**
- 2. ALEYAMMA, AGED 65 YEARS,VETTARMURIYIL VEEDU,
NELLIMALA, THALAPPALLY P.O.,
PERUNADU, PANCHAYATH, KOLLAMALA VILLAGE.**

**BY ADVS. SMT. M.LALITHA NAIR [CAVEATOR]
SRI.K.N.RADHAKRISHNAN**

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
27-02-2015, ALONG WITH MA.NO.716/2014 & MA.NO.715/2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

V.K.MOHANAN & C.K. ABDUL REHIM, JJ.

Mat.Appeal No.500 of 2010
Mat.Appeal No.715 of 2014
&
Mat.Appeal No.716 of 2014

Dated this the 27th day of February, 2015

JUDGMENT

Mohanana, J.

The appellant and the 1st respondent are the wife and husband whose marriage was solemnized on 18/06/2005 at Nilackal Marthoma Sreeba Church and in the said wedlock two children were born to them and due to discordance in the marital relationship, various litigations were launched before the Family Court, Thiruvalla. O.P No.824/2008 is filed by the wife for recovery of the gold ornaments and cash. The husband filed O.P.(Div) No. 92/2010 before the very same court seeking divorce against his wife. The husband has also filed O.P (GW) No.779/2010 before the same Family Court to declare him as the guardian of the children. The learned Judge of the Family Court, by judgment dated

18/12/2009 in O.P.No. 824/2008 partially allowed the prayer sought for by the wife and dissatisfied with the same the wife preferred Mat.Appeal No.500/2010. Whereas, by a common judgment dated 29/4/2014 in O.P.(Div)No.92/2010 and O.P(GW)No.779/2010 the Family Court, Thiruvalla granted divorce in favour of the husband and also granted visitorial right to the husband in O.P (GW)No.779/2010. Aggrieved by the above judgment the wife filed Mat.Appeal Nos.715/2014 and 716/2014 respectively against O.P (Div)No.92/2010 and O.P (GW) No.779/2010.

2. While the above appeals pending before this court for consideration, the same were referred for mediation. Now the Nodal Officer, Ernakulam Mediation Centre, by his letter No.2050 dated 27/11/2014 forwarded the report of the Mediator, which include the memorandum of settlement agreement. We have perused the Memorandum of settlement and we have satisfied with the same and which will form part of this judgment. As

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the matter has been settled between the contestant parties, these Mat. Appeals are disposed of in terms of the settlement and accordingly a decree will follow.

**Sd/-V.K.MOHANAN
JUDGE**

**Sd/- C.K. ABDUL REHIM
JUDGE**

MJL