

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Mat.Appeal.No. 502 of 2010 ()

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AGAINST THE JUDGMENT DATED 22-02-2010 IN OP 92/2008 of
FAMILY COURT, ALAPPUZHA.**

APPELLANTS/RESPONDENTS 1, 2 & 3:

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- 1. REGHUNATHAN K.R.
AGED 38 YEARS, S/O.RAGHAVAN, KOCHUKALIEKAL HOUSE,
KADAMBOOR MURI, ENNACKAD VILLAGE.**
 - 2. RAGHAVAN.K,
AGED 72 YEARS, S/O.KUTTY,
KOCHUKALIEKAL HOUSE, KADAMBOOR MURI, ENNACKAD VILLAGE.**
 - 3. KALYANI,
AGED 60 YEARS, W/O.RAGHAVAN,
KOCHUKALIEKAL HOUSE, KADAMBOOR MURI, ENNACKAD VILLAGE.**

BY ADV. SRI.N.ASHOK KUMAR

RESPONDENTS/PETITIONER & 4TH RESPONDENT:

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- 1. SUNIJA,
AGED 29 YEARS, D/O. K. SIVADASAN, S.S. SADANAM,
EDAYARANMULA MURI, ARANMULA VILLAGE
KOZHENCHERRY TALUK, PIN-689 641.**
 - 2. BIJUKUMAR.K.R,
AGED 32 YEARS, S/O.RAGHAVAN, KOCHUKALIEKAL HOUSE,
KADAMBOOR MURI, ENNACKAD VILLAGE, PIN-689 641.**

R1 BY ADVS. SRI.V.MANOJ KUMAR

SRI.IYPE JOSEPH

R2 BY ADV. SRI.JEEMON P.ABRAHAM

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 08-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

Mat. Appeal No. 502 OF 2010

DATED THIS THE 8th DAY OF JULY, 2015

J U D G M E N T

K. Ramakrishnan, J:

Respondents 1 to 3 in OP (OS) 92/2008 on the file of the Family Court, Alappuzha are the appellants herein.

2. The suit was filed by the 1st respondent herein against the appellants and the 2nd respondent for recovery of gold ornaments and other amounts due to her which were said to have been given to her in connection with the marriage between the 1st appellant and the 1st respondent took place on 10-09-2005. After trial the court below allowed the petition directing the respondents to pay an amount of Rs.3,08,000/- being the value of 35 sovereigns of gold ornaments together with 6% interest from the date of petition till realization. Aggrieved by the same, the appellants filed the above appeal.

3. During the pendency of the appeal, the matter was referred to mediation and the matter has been settled between the parties in the mediation. Mediator had sent a report along with the memorandum of agreement entered into between the appellants and the respondents. As per the agreement the amount payable was quantified including interest as Rs.4,49,680/- and it was agreed to be paid by the appellants and the 2nd respondent on or before 30-09-2015. It was also agreed between the parties that certain articles belonging to the 1st respondent with the appellants and the 2nd respondent also will be returned on or before 30-09-2015.

4. Accordingly both the counsel submitted that the above settlement may be recorded and the appeal may be disposed of in terms of the settlement arrived between the parties. So the decree and judgment passed by the court below is set aside, and appeal is disposed of recording the memorandum of agreement entered into between the parties and the suit is decreed in terms of the settlement

arrived at between the parties in the mediation. If any amount is deposited by the appellants as directed by this court as per order dated 08-07-2010, it is permitted to be withdrawn by the 1st respondent and that amount shall be adjusted towards the amount payable as per the mediation agreement on the basis of which the appeal has been disposed of and the appellants and the 2nd respondent are liable to pay only the balance amount within the time agreed between the parties.

5. With the above modification of the judgment of the court below the appeal is allowed in part and disposed of accordingly. The memorandum of settlement agreement entered into between the parties will form part of this judgment.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge