

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Mat.Appeal.No. 849 of 2010 ()

AGAINST THE JUDGMENT IN OPHMA 290/2009 of FAMILY COURT,
KOTTAYAM AT ETTUMANOOR, DATED 22-07-2010

APPELLANT(S) /PETITIONER:

PURUSHAN K., S/O.KUNJAN,
AGED 44 YEARS, MOONUTHAICKAL, KOTHAVARA P.O.
THALAYAZHAM VILLAGE, VAIKOM-666607.

BY ADV. SRI.BIJU ABRAHAM

RESPONDENT(S) /RESPONDENT:

VINAYAKUMARI A.P., AGED 41 YEARS,
W/O.K.PURUSHAN, ARUNIKARTHIL HOUSE, KADAMANGALAM P.O.
NORTH PARAVUR, ERNAKULAM
AT PRESENT RESIDING AT JAYA BHAVAN, SOUTH NADA P.O.
VAIKOM-686605.

BY ADV. SRI.M.R.NANDAKUMAR
ADV. SRI.M.V.SASIDHARAN

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 24-02-2015,
ALONG WITH MA. 853/2010, MA. 854/2010, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ami/

V.K.MOHANAN & P.D.RAJAN, JJ.

Mat.Appeal.Nos.849, 853 and 854 of 2010

Dated this the 24th day of February, 2015.

J U D G M E N T

Mohanana, J.

As the above three appeals are arising out of one and the same common judgment dated 22.7.2010 of the Family court, Kottayam at Ettumanoor, and the facts and circumstances involved are identical, all the above three appeals are heard together and we dispose the matters by this common judgment.

2. Mat.Appeal No.849/10 is preferred by the husband aggrieved by the judgment in OP (HMA) No.290/09 on the file of the Family court, Kottayam at Ettumanoor, by which the learned Judge of the Family court declined the divorce sought for under section 13 of the Hindu Marriage Act. Mat.Appeal No.853 of 2010 is filed against O.P.No.15/10 of the same Family court, which was filed by the wife of the appellant for restitution of conjugal rights and the same was

allowed by the learned Judge of the Family court observing that the husband is bound to resume cohabitation with the wife. Mat.Appeal No.854/10 is directed against the judgment dated 22.7.2010 in O.P.No.11/10 of the very same Family court for return of gold ornaments and money, since by the above referred judgment, the court below allowed the respondent herein, who is the wife of the appellant, to realise Rs.25,000/- from the respondent with 7% interest from the date of suit ie.,4.1.2010 and 30 sovereigns of gold ornaments or its approximate value of Rs.4,00,000/- with 7 % interest from the date of the judgment.

3. During the pendency of the above appeals, the matters had been sent for mediation and the mediation report, which includes the terms and conditions, forwarded by the Nodal Officer, Kerala Mediation Center, by his letter no.1422/15 dated 12.2.2015, shows that the entire dispute has been settled. We have perused the memorandum of agreement prepared under section 89 of CPC r/w Rules 24

and 25 of the Kerala Civil Procedure (Mediation) Rules 2008 and we have perused the terms and conditions incorporated therein. We are satisfied with the terms and conditions, since the memorandum of agreement is signed by both the contesting parties and counter signed by the respective counsel. The above memorandum of agreement forms part of this judgment and accordingly a decree will follow. Thus, the above Mat.appeals are disposed of accordingly.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge