

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Mat.Appeal.No. 282 of 2008 ()

AGAINST THE ORDER/JUDGMENT IN OP 441/2005 of FAMILY COURT,KOZHIKODE
DATED 15-04-2008

APPELLANT/RESPONDENT:

P.RAMESH, S/O.PERUMAL PILLAI,
AGED 43 YEARS, RESIDING AT POOVALAPPIL HOUSE,
WEST HILL P.O., KOZHIKODE.

BY ADVS.SRI.P.K.RAMKUMAR
SRI.CHERIAN VARGHESE

RESPONDENT/PETITIONER:

SMT.K.G.RAJI, AGED 37 YEARS,
W/O.P.RAMESH, KANNOTTIL, KEERANKUZHIPARAMBU
MEDICAL COLLEGE P.O., KOZHIKODE.

R,R1 BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
08-06-2015, ALONG WITH MAT. APPEAL NOS. 283, 428 & 605/2008
& 750/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

Mat. Appeal Nos. 282, 283, 428 & 605 of 2008
& 750 of 2010

Dated this the 8th day of June, 2015.

JUDGMENT

Ramakrishnan, J.

Mat. Appeal No. 605 of 2008 was filed against the decree and judgment in O.P No. 28 of 2006 on the file of the Family Court, Kozhikode by the petitioner in the lower court. While Mat. Appeal No. 428 of 2008 was filed by the petitioner in O.P. No. 323 of 2005 on the file of the Family Court, Kozhikode, Mat. Appeal No. 282 of 2008 was filed by the respondent in O.P. No. 441 of 2005. Mat. Appeal No. 283 of 2008 was filed by the respondent in O.P No. 434 of 2005 and Mat. Appeal No. 750 of 2010 was filed by the respondent in O.P. No. 845 of 2009, all on the file of the same court. All these cases arise out of the litigation between the appellant and the respondent, who are husband and wife. O.P. Nos. 323, 441, 434 of 2005 and 28 of 2006 were disposed of by the Family Court along with M.C. No. 233 of 2005 by a common judgment, against which Mat. Appeal Nos. 428, 282, 283 and 605 of 2008 were filed. O.P. No. 845 of 2009 was filed by the

respondent in the appeal for divorce and by a separate judgment, the Family Court granted a decree dissolving the marriage between the appellant and the respondent, against which the dissatisfied husband has filed Mat. Appeal No. 750 of 2010. While these cases were pending before this Court, the matter was referred to mediation to be conducted at the District Mediation Centre, Kozhikode. But the mediation failed there.

2. But, later the parties appeared before the Mediation Centre, Ernakulam and the matter has been settled between the parties. Both the counsel submitted that the parties have decided to live together and residing together on the basis of the settlement. The report of the mediator also shows that the parties have settled all the issues. Counsel for both the parties agreed that Mat. Appeal No. 750 of 2010 filed by the appellant Ramesh for cancellation of the decree of divorce granted in O.P. No. 845 of 2009 on the file of the Family Court, Kozhikode can be allowed and the decree of divorce can be set aside and Mat. Appeal Nos. 282, 283, 428 and 605 of 2008 may be closed as not pressed in the light of the settlement agreement.

3. In view of the settlement and since the parties were residing

together, the divorce granted by the court below in O.P. No. 845 of 2009 of Family Court, Kozhikode has to be set aside and the petition has to be dismissed and Mat. Appeal Nos. 282, 283, 428 and 605 of 2008 need not be considered.

Accordingly, Mat. Appeal No. 750 of 2010 is allowed and the decree and judgment granting dissolution of marriage are set aside and the petition, O.P. No. 845 of 2009 on the file of the Family Court, Kozhikode is dismissed. Mat. Appeal Nos. 282, 283, 428 and 605 of 2008 are dismissed as withdrawn. The memorandum of settlement will form part of the common judgment. The parties shall abide by the terms of the settlement appended to this judgment.

sd/- C.K. ABDUL REHIM, JUDGE.

sd/- K. RAMAKRISHNAN, JUDGE.

Mat. Appeal Nos.282, 283, 428 & 605 of 2008
& 750 of 2010

-4-