

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

OP (FC).No. 186 of 2015 (R)

**ARISING FROM ORDER DATED 28-04-2015 IN IA No.904/2015 IN OPGW 331/2014
of FAMILY COURT,TRIVANDRUM**

PETITIONER:

**MOHAMMED RAFEEL,
AGED 41 YEARS, S/O. MOHAMMED SHERIFF,
RESIDING AT 49/462, RAYEES MANZIL,
KONCHIRAVILA, MANACAUD P.O.
THIRUVANANTHAPURAM DISTRICT - 695 009.**

**BY ADVS.SRI.SREELAL N.WARRIER
SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH**

RESPONDENT:

**SHABANA A.U.,
AGED 34 YEARS, D/O.ABOOBACKER,
VALIYAKATH VEEDU, AYYAPPANKAVIL NILAM
ATHANIKKAL, WEST HILL P.O., KOZHIKODE TALUK - 673 005.**

BY SRI.K.M.FIROZ

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 08-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE PHOTOSTAT COPY OF THE PETITION DATED 04.04.2015 IN I.A.NO.904 OF 2015 IN O.P(G&W) NO.331 OF 2014 ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM.**
- EXHIBIT P2. TRUE PHOTOSTAT COPY OF THE OBJECTION DATED 13.04.2015 IN I.A.NO.904 OF 2015 IN O.P(G&W)NO.331 OF 2014 ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM.**
- EXHIBIT P3. TRUE EXTRACT OF THE ORDER DATED 28.04.2015 IN I.A.NO.904 OF 2015 IN O.P(G&W) NO.331 OF 2014 AS NOTIED IN THE A DIARY ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM.**
- EXHIBIT P4. TRUE PHOTOSTAT COPY OF THE PETITION DATED 05.01.2015 IN CRL.M.C.NO.18 OF 2015 ON THE FILE OF THE FAMILY COURT, KOZHIKODE.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

O.P (FC) No. 186 OF 2015

DATED THIS THE 8th DAY OF SEPTEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

This original petition under Article 227 of the Constitution is filed challenging an order passed by the Family Court, Thiruvananthapuram in I.A. 904/2015 in OP 331/2014 granting interim custody of the minor children of the parties to the respondent herein from 4th May 2015 till 19th May 2015.

2. During pendency of this original petition this court referred the case for mediation and the parties were directed to appear before the Ernakulam Mediation Centre. Report of the mediator would indicate that the matter was settled through mediation. A memorandum of settlement executed under Section 89 of Code of Civil Procedure is produced along with the report of the Mediator, which is signed by both the parties and the respective counsel. The memorandum of settlement would indicate that the parties have arrived at specific terms with respect to custody of the minor children. It is also agreed that a

judgment/decreed can be passed by this court in terms of the settlement, which can be considered as judgment/decreed in OP (G&W) 331/2014 on the files of the Family Court, Thiruvananthapuram. The terms of the memorandum of settlement would also indicate that, all other cases pending before the Family Court arising out of the matrimonial disputes between the parties have now been settled and that those cases will be withdrawn.

3. Under the above mentioned circumstances this court is of the considered opinion that this original petition can be disposed of by recording the settlement, and by disposing OP (G&W) 331/2014 pending before the Family Court on that basis. The memorandum of settlement will form part of this judgment. The judgment in this original petition will be treated as judgment in OP (G&W) 331/2014. The parties will abide by the other conditions incorporated in the memorandum of settlement.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge