IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

WEDNESDAY, THE 31ST DAY OF JULY 2024 / 9TH SRAVANA, 1946

OP (FC) NO. 39 OF 2024

AGAINST THE ORDER DATED 12.06.2023 IN OP NO.227 OF 2019

OF FAMILY COURT, PALAKKAD

PETITIONER/RESPONDENT:

P.R. KRISHNANKUTTY, AGED 74 YEARS
S/O LATE RAMAKRISHNAN, PULIKULATH VEEDU, PALLATHERI
POST, PALAKKAD TALUK, PALAKKAD DISTRICT, PIN - 678007

BY ADVS.
RAJESH SIVARAMANKUTTY
MAYA C.P.
K.V.ANTONY
VIJINA K.
ARUL MURALIDHARAN

RESPONDENT/PETITIONER:

KRISHNAKUMARI, AGED 60 YEARS
W/O P.R. KRISHNANKUTTY, PULIKULATH VEEDU, PALLATHERI
POST, PALAKKAD TALUK, PALAKKAD DISTRICT, PIN - 678007

BY ADV V.A.Johnson (Varikkappallil)

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Devan Ramachandran, J.

When this matter was called today, the learned counsel for both sides were *ad idem* that all disputes between their clients have been settled under the aegis of the Ernakulam Mediation Centre, High Court of Kerala.

2. We notice that a Report has been placed before us by the Nodal Officer of the Mediation Centre, containing the original of the Memorandum of Settlement between the parties.

3. We have examined the afore Memorandum of Settlement and notice that it has been subscribed to by the parties and signed by their learned counsel. We, therefore, see no reason not to accept the same.

In the afore circumstances, this Appeal is disposed of in terms of the agreement between the parties, as reflected in the Memorandum of Settlement, a copy of which shall stand appended to this judgment.

We consequently direct the parties to act expressly in terms of their agreement.

Sd/- DEVAN RAMACHANDRAN
JUDGE

Sd/- M.B. SNEHALATHA
JUDGE

stu

APPENDIX OF OP (FC) 39/2024

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF O.P. NO. 227/2019 FILED BY THE RESPONDENT AGAINST THE PETITIONER BEFORE FAMILY COURT, PALAKKAD DATED 13-3-2019**
Exhibit P2	**A TRUE COPY OF I.A. NO. 3/2022 IN O.P. NO. 227/2019 FILED BY RESPONDENT DATED 28-9-2022 BEFORE FAMILY COURT, PALAKKAD**
Exhibit P3	**A TRUE COPY OF THE COUNTER STATEMENT DATED 14-12-2023 IN O.P. NO. 227/2019 FILED BY PETITIONER BEFORE FAMILY COURT, PALAKKAD**
Exhibit P4	**A TRUE COPY OF PETITION AND AFFIDAVIT DATED 28-9-2022 IN I.A. NO. 2/2022 IN O.P. NO. 227/2019 BEFORE THE FAMILY COURT, PALAKKAD**
Exhibit P5	**A TRUE COPY OF THE COUNTER STATEMENT DATED JANUARY, 2023 IN I.A. NO. 2/2022 IN O.P. NO. 227/2019 FILED BY PETITIONER BEFORE FAMILY COURT, PALAKKAD**
Exhibit P6	**CERTIFIED COPY OF THE ORDER DATED 12-6-2023 IN I.A. NO. 2/2022 IN O.P. NO. 227/2019 PASSED BY THE FAMILY COURT, PALAKKAD**

ERNAKULAM MEDIATION CENTRE

(HIGH COURT HALL)

(2nd floor, above SBI, High Court Building, Ernakulam, Kochi-31.(Ph:0484-2562238)

EMC/Reg No. 279/24 Dated 08/04/2024

From

The Nodal Officer,
High Court Mediation Centre.

To

The Registrar (Judicial)
High Court of Kerala, Ernakulam.

Sir,

Sub : Mediation of case referred by the Hon'ble High Court of Kerala – reg.

Ref : Referral Order in OP(FC) 39/2024 dated 15/02/2024 of the Honorable High Court of Kerala

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I am to forward herewith Report of the Mediator in the matter along with the enclosures for information and necessary action.

OP R&S

Yours Faithfully,

Nodal Officer,
Ernakulam Mediation Centre

Encl:- 1. Report of the Mediator, Settlement Agreement
2. Copy of the referral order dated 15/02/2024 of the High Court of Kerala..
3. Copy of the Petition

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

O.P.(FC).No.39 of 2024

P.R.Krishnankutty : Petitioner

Vs

Krishnakumari : Respondent

REPORT SUBMITTED BY THE MEDIATOR

Mediated, matter is settled.

Terms and conditions is attached herewith.

Dated this the 8th day of April, 2024.

M. Chandralekha

Adv. Chandralekha M.
Mediator
Ernakulam Mediation Centre

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

O.P.(FC).No.39 of 2024

P.R.Krishnankutty : Petitioner

Vs

Krishnakumari : Respondent

MEMORANDUM OF AGREEMENT UNDER SECTION 89 OF THE CODE OF CIVIL PROCEDURE READ WITH RULES 24 & 25 OF THE CIVIL PROCEDURE (ALTERNATIVE DISPUTE RESOLUTION),RULES, 2008:

Both parties agree to settle their dispute on the following terms and conditions:

1. The petitioner (husband) agrees to pay an amount at the rate of Rs.3000/- per month to respondent(wife). The amount shall be deposited in to the personal account number of Respondent (wife) Krishnakumari.A.V.-1061101022468, IFSC Code; CNRB0001061,Canara Bank, Elappully Branch, Palakkad on 10th of every month starting from May 2024.

2. The arrears of 48000/-(Rupees forty eight thousand only) (from 29/09/2022 to 28/01/2024) together with an amount of Rs.9000/-(Rupees nine thousand only) being the arrears of February, March, April,2024 shall be discharged by equal installments in 5 months i.e by 30/09/2024. From October 2024 onwards only Rs.3000/-(Rupees three thousand only) towards maintenance will be deposited.

3. In the event of default, the Respondent(wife) shall be entitled to execute the order.

4. The wife(Respondent) agrees to withdraw E.P.No.5/2024 in I.A.No.2/2024 in O.P.227/2019 on the files of Family Court, Palakkad.

Petitioner

P.R.Krishnankutty

Respondent

Krishnakumari.

Hence it is humbly prayed that this Hon'ble Court may be pleased to dispose off the above O.P.(FC) recording this compromise as part of this Hon'ble Court's Judgment in the interest of justice.

Dated this the 8th day of April, 2024.

Petitioner

P.R.Krishnankutty

VIJINA K
K/229/2016

Counsel for the petitioner

Respondent

AVK
Krishnakumari.

Johnson. V.D
10/6/20/06

Counsel for the Respondent

The above settlement agreement is authenticated by me.

Chandralekha M.

Mediator.