IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946

MAT.APPEAL NO. 467 OF 2021

AGAINST THE JUDGMENT DATED 27.03.2021 IN OP NO.492 OF 2016 OF FAMILY COURT, PALAKKAD

APPELLANT/1ST RESPONDENT:

HARISH CHURATHIL, AGED 40 YEARS,
S/O.RAJAGOPALAN MEMON, CHURATHIL HOUSE,
POOPULIKKAD, CHITHALI, KUZHALMANNAM,
ALATHUR TALUK, PALAKKAD DISTRICT,
NOW RESIDING AT AJMAN,
UNITED ARAB EMIRATES.

BY ADVS.
RAJESH SIVARAMANKUTTY
ARUL MURALIDHARAN

RESPONDENTS/PETITIONERS & 2ND RESPONDENT:

1 **PREETHI, W/O. HARISH,**
AATHIRA, KAILAS NAGAR, D2,
KANJIKODE WEST, PUDUSSERY,
PALAKKAD DISTRICT, PIN - 678623.

2 **AADITH, AGED 8 YEARS, MINOR,**
AATHIRA, KAILAS NAGAR, D2,
KANJIKODE WEST, PUDUSSERY,
PALAKKAD DISTRICT, PIN - 678623
(2ND RESPONDENT-MINOR REPRESENTED BY NEXT FRIEND MOTHER 1ST RESPONDENT)

3 SATHIDEVI, W/O.RAJAGOPALAN MENON, CHURATHIL HOUSE, POOPULIKKAD, VELLAPPARAKUNNU (H), CHITHALI, KUZHALMANNAM, ALATHUR TALUK, PALAKKAD DISTRICT, PIN - 678702.

BY ADVS.
AQIB SOHAIL P.S.
RIZWANA A.A.

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 26.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Devan Ramachandran, J.

Though there are various assertions and averments impelled and urged in this Mat.Appeal, when this matter is called today, the learned Counsel on both sides were *ad idem* that their respective clients have talked to each other, under the aegis of the Mediation Centre, High Court of Kerala, and have arrived at a full and complete settlement of all their disputes.

2. Smt.Preethi – the 1st respondent herein, is present in person; while, Sri.Harish Churathil – the appellant, is present Online, since he is stated to be in Ajman. Both of them affirm that, as per the terms of compromise they have arrived at between themselves, ₹10 Lakhs will be transferred in the name of their son – Master Aadith; while, ₹7 Lakhs into the name of Smt.Preethi. They also admitted that an amount of ₹3 Lakhs had been already paid, which Smt.Preethi has received, thus taking

the total amount to a sum of ₹20 Lakhs.

3. Sri.Rajesh Sivaramankutty – learned Counsel for the appellant, submitted that, in terms of the afore agreement, his client will transfer the above said amounts as soon as an account is opened by Smt.Preethi with the Central Bank of India, Palakkad Branch, where the power of attorney holder of the appellant is maintaining an account, which is funded to the said amount. He added that, in such manner, the parties are also in unison that all pending cases between them will be withdrawn.

4. Smt.Rizwana A.A – learned Counsel for the respondents, in response, submitted that her client already has an account with the Dhanalakshmi Bank; but that she has no objection in opening an Account with the Central Bank of India, Palakkad Branch, so that the transfer of the money can be immediate.

5. In the afore circumstances, with the consent of both sides and in the presence of the parties as recorded above, we

order this appeal, recording that they have entered into a full and final settlement of all their claims as afore; and that the appellant or his power of attorney will transfer an amount of ₹10 Lakhs and ₹7 Lakhs respectively, to Master Aadith and Smt.Preethi, within a period of one week from today. We also record the submissions of Smt.Preethi that she will open an Account with the Central Bank of India, Palakkad Branch, within the next one or two days, and that she will intimate this to her learned Counsel, who, in turn, will inform it to Sri.Rajesh Sivaramankutty.

6. We leave liberty to the parties to seek any clarification for the working of the afore directions, if they have to find any predicament.

We record the submissions of both the learned Counsel that, consequent to the above and once the payment is effected, all pending cases against each other will be applied to be

withdrawn by them before the respective Courts, within a period of one week thereafter.

Sd/-

DEVAN RAMACHANDRAN
JUDGE

Sd/-

M.B.SNEHALATHA
JUDGE

sp/26/07/2024

APPENDIX OF MAT.APPEAL 467/2021

PETITIONER'S ANNEXURES:-

ANNEXURE A	**A TRUE COPY OF THE SPECIAL POWER OF ATTORNEY DATED 13-5-2024 EXECUTED BY APPLICANT IN FAVOUR OF P.S. SASIKUMAR BEFORE THE CONSULATE GENERAL OF INDIA, DUBAI**