IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

MAT.APPEAL NO. 859 OF 2014

AGAINST THE JUDGMENT DATED 28.06.2014 IN OP NO.429 OF 2012 OF FAMILY COURT, THODUPUZHA

APPELLANT/RESPONDENT IN O.P.NO.429 OF 2012:

SIVADAS
AGED 49 YEARS
S/O.SRI.NARAYANAN,RESIDING AT KUZHIKKATTUMATTATHIL HOUSE,POTTANKADU.P.O,20 ACRE KARA,BISONVALLEY VILLAGE,DEVIKULAM TALUK,IDUKKI DISTRICT,PIN-685565.

BY ADV SRI.N.K.SUBRAMANIAN

RESPONDENT/PETITIONER IN O.P.NO.429 OF 2012:

PUSHPA
AGED 46 YEARS
W/O.SRI.SIVADAS,RESIDING AT KARIAKUNNEL HOUSE,BISONVALLEY.P.O,BISONVALLEY KARA,BISON VALLEY,DEVIKULAM TALUK,IDUKKI DISTRICT,PIN-685565.

BY ADV SRI.P.CHANDY JOSEPH

THIS MATRIMONIAL APPEAL HAVING COME UP FOR HEARING ON 11.04.2025, ALONG WITH Mat.Appeal.869/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

MAT.APPEAL NO. 869 OF 2014

AGAINST THE COMMON JUDGMENT DATED 28.06.2014 IN OPMH NO.540 OF 2012 OF FAMILY COURT, THODUPUZHA

APPELLANT/PETITIONER IN O.P(HM) 540/2012:

SIVADAS
AGED 49 YEARS
S/O. SRI NARAYANAN, RESIDING AT
KUZHIKKATTUMATTATHIL HOUSE, POTTANKADU P.O.,
20 ACRE KARA, BISONVALLEY VILLAGE, DEVIKULAM
TALUK, IDUKKI DISTRICT, PIN - 685 565.

BY ADV SRI.N.K.SUBRAMANIAN

RESPONDENT/RESPONDENT IN O.P(HM) 540/2012:

PUSHPA
AGED 46 YEARS
W/O. SIVADAS, RESIDING AT KARIKUNNEL HOUSE,
BISONVALLEY P.O., BISONVALLEY KARA,
BISONVALLEY VILLAGE, DEVIKULAM TALUK,
IDUKKI - 685 565.

BY ADV SRI.P.CHANDY JOSEPH

THIS MATRIMONIAL APPEAL HAVING COME UP FOR HEARING ON 11.04.2025, ALONG WITH Mat.Appeal.859/2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Sathish Ninan & Shoba Annamma Eapen, JJ.
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Mat. Appeal Nos.859 and 869 of 2014
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Dated this the 11th day of April, 2025

JUDGMENT

Sathish Ninan, J.

The parties have settled their disputes in mediation. They have entered into a memorandum of agreement incorporating the terms of settlement. The decree and judgment impugned in these appeals are set aside and a modified decree is passed in terms of settlement. The appeals are disposed of in terms of the settlement. The memorandum of agreement will form part of this judgment.

2. Clause 6 of the terms of settlement reads thus:-

> "It is further agreed by both appellant and respondent to file a petition for divorce on mutual consent before the Family Court, Thodupuzha on or before 10.04.2025."



The parties have been living separately atleast since the year 2004. Hence we are sure that if an application is moved seeking for wavier of the statutory cooling period of six months, the same will be considered positively by the Family Court.

Sd/-
Sathish Ninan, Judge

Sd/-
Shoba Annamma Eapen, Judge

SVP

BEFORE THE HONOURABLE HIGH COURT OF KERALA

AT ERNAKULAM

Mat Appeal Nos. 869 of 2014 & 859 of 2014

Sivadas : Appellant

Vs.

Pushpa : Respondent

REPORT SUBMITTED BY THE MEDIATOR

ADV. CHINCY GOPAKUMAR

Mediated, matter is settled.

Terms and conditions are attached herewith.

Dated this the 25th day of March, 2025.

Adv. Chincy Gopakumar
Mediator
High Court Mediation Centre

BEFORE THE HONOURABLE HIGH COURT OF KERALA

AT ERNAKULAM

Mat Appeal Nos. 869 of 2014 & 859 of 2014

Sivadas : Appellant

Vs.

Pushpa : 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:

The dispute between the parties are settled on the following terms:

1. The appellant Mr.Sivadas has agreed to pay an amount of Rs.8,00,000/-(Rupees Eight lakhs only) to the Respondent Smt. Pushpa towards the full and final settlement of the dispute between them.

2. The appellant has managed to arrange this amount by way of loan from Smt.Anchana Bose and hence the purchaser of the Demand Draft is Anchana Bose. The drawee Branch is South Indian Bank, M.G Road Branch, Ernakulam.

Appellant

Sivadas

Respondent

Pushpa

HIGH COURT MEDIATION CENTRE ERNAKULAM

3. The Respondent accepted the Demand Draft Nos.967813 and 967814 for Rs.4,00,000/-(Rupees Four lakh only) each drawn in favour of Pushapakumari K.C (Respondent).

4. The respondent has agreed to withdraw MC No.144/2011 pending before the Family Court, Thodupuzha on or before 28/03/2025.

5. The respondent has also agreed Rs.8,00,000/-(Rupees Eight lakhs only) is the full and final settlement all her claims with regard to the Matrimonial relationship and that she will not raise any further claims.

6. It is further agreed by both appellant and respondent to file a petition for divorce on mutual consent before the Family Court, Thodupuzha on or before 10/04/2025.

Appellant

Sivadas

Respondent

Pushpa

7. It is also agreed by the respondent that she has no objection in lifting the attachment effected by the Family Court, Thodupuzha in OP No.429/2012 and a memo to that effect will be filed on or before 28/03/2025.

8. If either of the parties violate any of the conditions mentioned above, the aggrieved party is free to approach the appropriate Court and to get the agreement executed.

Both the Appeal may be disposed of in terms of the settlement agreement.

Dated this the 20th day of March, 2025.

Appellant **Respondent**

Sivadas Pushpa

N.K. SUBRAMANIAN K/465/98

Counsel for the Appellant Counsel for the Respondent

Chandy Joseph. P. K 126/82



This settlement agreement is authenticated by me.

Adv.Chincy Gopakumar(Mediator)