

Sivadas vs Pushpa

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SooperKanoon Citation : sooperkanoon.com/1280383

Court : Kerala

Decided On : Apr-11-2025

Judge : Honourable Mr. Justice Sathish Ninan,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : Mat.Appeal/869/2014

Appellant : Sivadas

Respondent : Pushpa

Judgement :

2025:KER:31893

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: Mat Appeal Nos.859 & 869 of 2014 2025:KER:31893 -: 2 :-

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 KUZHIKATTUMATTATHIL 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.

Mat Appeal Nos.859 & 869 of 2014 2025:KER:31893 -: 3 :- 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: 2025:KER:31893 Sathish Ninan & Shoba Annamma Eapen, JJ.

===== Mat. Appeal Nos.859 and
869 of 2014 ===== 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.

Mat Appeal Nos.859 & 869 of 2014 -: 2 :- 2024:KER:87819 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

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