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Badhusha vs Sajeena

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Court : Kerala Orders

Decided On : Sep-11-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mrs. Justice Sophy Thomas

Appeal No. : Mat.Appeal/787/2018

Appellant : Badhusha

Respondent : Sajeena

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS MONDAY, THE 11TH DAY OF SEPTEMBER 2023 / 20TH BHADRA, 1945 MAT.APPEAL NO. 787 OF 2018 AGAINST THE JUDGMENT OP NO.668 OF 2015 OF FAMILY COURT, THRISSUR APPELLANT/RESPONDENT: BADHUSHA, AGED 30 YEARS, S/O. ABDU, CHINNALI HOUSE, PILLA COLONY, CHATTUKULAM, KOTTAPPADI P.O., POOKODE VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN-680 505. BY ADVS. SUNIL NAIR PALAKKAT ABHILASH K.N. RESPONDENT/PETITIONER: SAJEENA,

AGED 23 YEARS, D/O SIDHIQ, PUTHUVEETTIL HOUSE, PUNNA CHAVAKKAD P.O. AND TALUK, THRISSUR DISTRICT - 680506 BY ADV SRI.RAJIT THIS MATRIMONIAL APPEAL HAVING COME UP FOR FINAL HEARING ON 11.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The appellant is the respondent in O.P.No.668 of 2015 on the

file of the Family Court, Thrissur, which was one filed against the respondent herein-wife, seeking a decree of divorce. That original petition was allowed by the judgment and decree dated 13.04.2018, thereby dissolving the marriage solemnised between the parties with effect from the date of that judgment. Feeling aggrieved, the appellant-husband has filed this appeal invoking the provisions under Section 19(1) of the Family Courts Act, 1984.

2. On 21.08.2018, when this appeal came up for admission,

this Court admitted the matter on file and issued notice to the respondent by speed post. In I.A.No.1 of 2018, this Court granted an interim stay against the operation of the judgment in O.P.No.668 of 2015 dated 13.04.2018 of the Family Court, Thrissur, for a period of two months. The said interim order was extended until further orders on 22.11.2018.

3. Though the matter was referred for mediation, by the

order dated 19.07.2022, it could not be settled in mediation.

4. Today, when the matter is taken up for consideration, the

learned counsel for the appellant would submit that, since the parties have already settled the disputes out of court, the appellant does not want to prosecute this appeal further and the matter may be

5. The learned counsel for the respondent would submit that she has no instruction about the out of court settlement. Since the appellant wants to dismiss the appeal as withdrawn, it can be

6. Having considered the submissions made by the learned

counsel on both sides, this appeal is dismissed as withdrawn. Consequently, the interim order granted in I.A.No.1 of 2018 will stand vacated. ANIL K. NARENDRAN, JUDGE SOPHY THOMAS, JUDGE yd

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