

Sandhya Rose vs Shan George

Sandhya Rose vs Shan George

SooperKanoon Citation : sooperkanoon.com/1443417

Court : Kerala

Decided On : Aug-23-2022

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : Mat.Appeal/45/2019

Appellant : Sandhya Rose

Respondent : Shan George

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
TUESDAY, THE 23RD DAY OF AUGUST 2022 / 1ST BHADRA, 1944
MAT.APPEAL NO. 1130 OF 2018 AGAINST THE
ORDER/JUDGMENTOP 627/2015 OF FAMILY COURT,
IRINJALAKUDA APPELLANT: SREYA(MINOR), AGED 8 YEARS,
D/O.VADASSERI SANDHYA ROSE, MELOOR VILLAGE, CHALAKUDY
TALUK, REPRESENTED BY GUARDIAN AND MOTHER, SANDHYA
ROSE, NOW RESIDING WITH SANDHYA ROSE, BIJAY,
MANGALAPURAM, PIN-575 004. S.KARTHIKA PREETHY

KARUNAKARAN K.MEERA ANJANA M VADHYAR B.ANUSREE
RESPONDENT: SHAN GEORGE, AGED 37 YEARS, S/O.GEORGE
K.MATHAI, KOCHIKUNNEL HOUSE, ORUMA 64, KUNNUMMEL
ROAD, VADUTHALA, NOW RESIDING AT 34 200, RIOGE ROAD, APT
110, WILLOUGHBBY, OH-44094, U.S.A., (ERNAKULAM, KASABA
POLICE STATION, NORTH), REPRESENTED BY POA, JOHNSON
MATHEW, AGED 60, S/O.MATHAYI, KOCHIKUNNEL HOUSE,
THOTTAKKARA, PANDAPPILLI P.O., PIN-686 672. BY ADV ZAKIR
HUSSAIN (CAVEATOR) THIS MATRIMONIAL APPEAL HAVING BEEN
FINALLY HEARD ON 23.08.2022, ALONG WITH CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED
MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
TUESDAY, THE 23RD DAY OF AUGUST 2022 / 1ST BHADRA, 1944
MAT.APPEAL NO. 45 OF 2019 AGAINST THE ORDER/JUDGMENTOP
494/2016 OF FAMILY COURT, IRINJALAKUDA

APPELLANT: SANDHYA ROSE, AGED 34 YEARS, D/O V.P.JOSE,
ROSE GARDEN, VADASSERY HOUSE, KALADY DESOM, MELOOR
VILLAGE, THRISSUR - 680 311. S.KARTHIKA ANJANA M VADHYAR
PREETHY KARUNAKARAN K.MEERA RESPONDENT: SHAN
GEORGE, AGED 37 YEARS, S/O GEORGE K. MATHAI,
KOCHIKUNNEL HOUSE, ORUMA 64, KUNNUMMEL ROAD,
VADUTHALA, NOW RESIDING AT 335, COACH HOUSE LANE,
ALPHARETTA GEORGIA - 30004, U.S.A. THIS MATRIMONIAL
APPEAL HAVING BEEN FINALLY HEARD ON 23.08.2022, ALONG
WITH CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: ..3..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
TUESDAY, THE 23RD DAY OF AUGUST 2022 / 1ST BHADRA, 1944
MAT.APPEAL NO. 69 OF 2019 AGAINST THE ORDER/JUDGMENTOP
627/2015 OF FAMILY COURT, IRINJALAKUDA APPELLANT:

SHAN GEORGE, AGED 41 YEARS, S/O.GEORGE K MATHAI,
KOCHIKUNNEL HOUSE, ORUMA-64, KUNNUMMEL ROAD,
VADUTHALA, ERNAKULAM DISTRICT, NOW RESIDING AT 335,
COACH HOUSE LANE, ALPHARETTA, GEORGIA-30004, USA,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, SHEENA
TOMY, AGED 50 YEARS, W/O.TOMY THALIATH, RESIDING AT
THALIATH HOUSE, PUTHENPALLI, VARAPUZHA, ERNAKULAM
DISTRICT-683517, NOW RESIDING AT KOCHIKUNNEL HOUSE,
ORUMA-64, KUNNUMMEL ROAD, VADUTHALA, ERNAKULAM
DISTRICT. ZAKEER HUSSAIN, SMT.K.A.SANJEETHA

RESPONDENT: SREYA, AGED 8 YEARS, MINOR, D/O.VADASSERI
SANDHYA ROSE, MELOOR VILLAGE, CHALAKKUDY TALUK-680311,
REPRESENTED BY HER GUARDIAN AND MOTHER, SANDHYA
ROSE, NOW RESIDING WITH SANDHYA ROSE, BIJAY,
MANGALAPURAM-575 004. S.KARTHIKA, PREETHY KARUNAKARAN,
K.MEERA ANJANA M VADHYAR THIS MATRIMONIAL APPEAL
HAVING COME UP FOR ADMISSION ON 23.08.2022, ALONG WITH
Mat.Appeal.1130/2018 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: ..4..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED
MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
TUESDAY, THE 23RD DAY OF AUGUST 2022 / 1ST BHADRA, 1944
OP (FC) NO. 502 OF 2019 AGAINST THE ORDER/JUDGMENTOP
469/2012 OF FAMILY COURT, IRINJALAKUDA PETITIONER: SHAN

GEORGE, AGED 41 YEARS, S/O. GEORGE.K. MATHAI, KOCHU KUNNEL HOUSE, VADUTHALA, NOW RESIDING AT 335, POATH HOUSE LINE, ALTTATETTK, GEORGIA-30004, USA, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, SHEENA TOMY, AGED 50 YEARS, W/O. TOMY THALIATH, RESIDING AT THALIATH HOUSE, PUTHENPALLI, VARAPUZHA, ERNAKULAM DISTRICT-683 517. ZAKIR HUSSAIN SMT.K.A.SANJEETHA RESPONDENT: SANDHYA ROSE, AGED 39 YEARS, W/O. SHAN GEORGE, KOCHU KUNNEL HOUSE, MELOOR VILLAGE, CHALAKKUDY TALUK, 680 311. S.KARTHIKA PREETHY KARUNAKARAN K.MEERA ANJANA M VADHYAR THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 23.08.2022, ALONG WITH Mat.Appeal.1130/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..5..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS TUESDAY, THE 23RD DAY OF AUGUST 2022 / 1ST BHADRA, 1944 MAT.APPEAL NO. 1162 OF 2018 AGAINST THE ORDER/JUDGMENTOPGW 680/2015 OF FAMILY COURT, IRINJALAKUDA APPELLANT: SHAN GEORGE, AGED 40 YEARS, S/O. GEORGE K. MATHAI, KOCHIKUNNEL HOUSE, ORUMA-64, KUNNUMMEL ROAD, VADUTHALA P.O, KANAYANNUR TALUK, ERNAKULAM DISTRICT 682 023, NOW RESIDING AT 335, COACH HOUSE LANE, ALPHARETTA GEORGIA 30004, USA. ZAKEER HUSSAIN SMT.K.A.SANJEETHA RESPONDENT: SANDHYA ROSE, AGED 35 YEARS, W/O. SHAN GEORGE, VADASSERY HOUSE, MELOOR VILLAGE, CHALAKKUDY TALUK 680 311. S.KARTHIKA ANJANA M VADHYAR PREETHY KARUNAKARAN K.MEERA THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 23.08.2022, ALONG WITH Mat.Appeal.1130/2018 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING: ..6..

J U D G M E N T

A. Muhamed Mustaque, J These matters have come to an end. The parties are Christians. They filed a petition for divorce invoking Section 13(1)(a) of the Hindu Marriage Act, 1955 that mutual petition failed for certain reasons.

2. Today, Shan George handed over a D.D of Rs.10 Lakhs to Sandhya Rose in full and final settlement of her

all claims. He also handed over a D.D of Rs.15 Lakhs in the name of the minor child Sreya Maria Shan to place in the Fixed Deposit in her name in South Indian Bank, Koratty Branch, till she attains the age of majority. Sandhya Rose can draw the interest accrued in the Fixed Deposit for the benefit of the minor from time to time. It is to be noted that Shan George already had deposited Rs.5 Lakhs in the name of the minor child in the same amount lying in the Union Bank Of India, Angamali Branch.

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3. In view of the Fixed Deposit as above, Shan George is not liable to pay any other maintenance for the minor child.

4. Shan George is present before us. Sandhya Rose

appeared through online. She has been identified by her

joint petition filed before this Court that Sandhya Rose will be permanent legal guardian and custodian of the minor child namely, Sreya Maria Shan.

5. In the light of the facts and circumstances, we dispose of these matters based on the joint petition filed before this Court with the following orders:

6. The marriage between Shan George and Sandhya Rose solemnised on 15.07.2009 is dissolved by decree of divorce.

7. The amount of Rs.10 Lakhs paid by Shan George to Sandhya Rose, she has no any other claim as against Shan George.

8. In view of the fact that the parties have ..8..

earlier agreed for mutual divorce and that could not be worked out and Shan George, thereafter, approached the Family Court and obtained a decree of divorce on fault ground as per the decree in O.P No.494 of 2016, this decree of divorce on mutual consent is superseded the decree as above and will come into effect from the above date of decree of the Family Court.

9. In view of the above, the attachment effected over the property of Shan George (I.A No.1445 of 2015 in O.P No.627 of 2015) is ordered to be lifted and we direct

the Family Court, Irinjalakkuda to communicate this order

to the Sub Registrar concerned. The Sub Registrar concerned shall also note this order lifting the attachment. These matters are disposed of as above superseding all the judgments impugned. Sd/- A.MUHAMED MUSTAQUE, JUDGE Sd/- SOPHY THOMAS, JUDGE PR ..9.. APPENDIX OF OP (FC) 502/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE OP NO.469/2012 ON THE FILE OF FAMILY COURT, IRINJALAKKUDA. EXHIBIT P2 TRUE COPY OF THE MC NO.149/2013 ON THE FILE OF FAMILY COURT, IRINJALAKKUDA, EXHIBIT P3 TRUE COPY OF OP NO.1081/2012 ON THE FILE OF FAMILY COURT, IRINJALAKKUDA. EXHIBIT P4 TRUE COPY OF OP NO.1093/2014 ON THE FILE OF FAMILY COURT, IRINJALAKKUDA. EXHIBIT P5 TRUE COPY OF THE JOINT STATEMENT FILED BY THE PETITIONER AND THE RESPONDENT. EXHIBIT P6 TRUE COPY OF THE ORDER DATED 29.12.2014 IN MC NO.149/2013. EXHIBIT P7 TRUE COPY OF THE JUDGMENT DATED 29.12.2014 IN OP NO.469 OF 2012. EXHIBIT P8 TRUE COPY OF THE DECREE DATED 29.12.2014 IN OP NO.469 OF 2012. EXHIBIT P9 TRUE COPY OF THE STATEMENT DATED 14.07.2015. EXHIBIT P10 TRUE COPY OF THE JUDGMENT DATED 21.1.2016 IN MAT APPEAL NO.683/2015. EXHIBIT P11 TRUE COPY OF THE IA NO.1886/2016 IN OP NO.469/2012 DATED 28.3.2016 FILED BY THE RESPONDENT. EXHIBIT P12 TRUE COPY OF THE OBJECTION

IN IA NO.1886/2016 IN OP NO.469/2012. EXHIBIT P13 TRUE COPY OF THE ORDER DATED ..10.. 10.07.2018 IA NO.1886/2016 IN OP NO.469/2012. EXHIBIT P14 TRUE COPY OF THE JUDGMENT DATED EXHIBIT P15 TRUE COPY OF THE EP NO.61/2018 BEFORE THE FAMILY COURT, IRINJALAKKUDA FILED BY THE RESPONDENT. EXHIBIT P16 TRUE COPY OF THE OBJECTION DATED 17.6.2019 IN EP NO.61/2018. EXHIBIT P17 TRUE COPY OF THE ORDER DATED 17.7.2019 IN EP NO.61/2018 IN OP.NO.469/2012.

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