

Vasudevan C.K. vs Divya

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Court : Kerala

Decided On : Nov-30-2022

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Mat.Appeal/62/2021

Appellant : Vasudevan C.K.

Respondent : DIVYA

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 30TH DAY OF NOVEMBER 2022/9TH AGRAHAYANA, 1944 AGAINST THE ORDER DATED 31.08.2018 IN O.P.NO.258 OF 2013 OF THE FAMILY COURT, TIRUR APPELLANT/RESPONDENT: VASUDEVAN C.K., AGED 68 YEARS, S/O KUMARAN, CHIYARATH HOUSE, CHIYARAM, KOORKENCHERY, THRISSUR DISTRICT-26. BY ADV C.DHEERAJ RAJAN RESPONDENT/PETITIONER: DIVYA, AGED 28 YEARS D/O.MOHANAN, OTHINIKKARA HOUSE, EDAPPAL P.O., CHANGARAMKULAM, MALAPPURAM DISTRICT-679 576. BY

ADVS.REENA ABRAHAM AMRIN FATHIMA THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON 30.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

Anil K. Narendran, J.

The appellant is the 2nd respondent in O.P.No.258 of

2013 on the file of the Family Court, Tirur, which is an original petitioner filed by the respondent herein for return of gold ornaments, money and recovery of past maintenance. That original petition was allowed in part by the judgment and decree dated 31.08.2018, which is under challenge in this appeal filed under Section 19(1) of the Family Courts Act,

1984. This appeal has been filed along with C.M.Application No.1 of 2021 to condone the delay of 793 days.

2. On 01.02.2021, when this appeal came up for admission, this Court issued consolidated notice to the respondent in the appeal and C.M.Application No.1 of 2021.

3. During the pendency of this appeal, by the order

dated 02.11.2022, the matter was referred for mediation before the Ernakulam Mediation Centre in the premises of this Court. Now, the parties have settled the disputes in mediation and the memorandum of agreement dated 23.08.2022 is placed on record along with the report dated 23.11.2022 of -3- the Mediator.

4. Today, when this matter is taken up for

consideration, the learned counsel on both sides would submit that since the parties have settled the disputes in mediation, this appeal can be disposed of in terms of the terms and conditions contained in the memorandum of agreement dated 23.08.2022, after condoning the delay of 793 days in filing the appeal.

5. Having considered the submissions made by the

learned counsel on both sides, C.M.Application No.1 of 2021 is allowed by condoning the delay of 793 days in filing the appeal and this appeal is disposed of in terms of the terms and conditions contained in the memorandum of agreement dated 23.08.2022, which shall form part of this judgment. ANIL K. NARENDRAN, JUDGE P.G. AJITHKUMAR, JUDGE AV/1/12

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