

Mohankumar vs Sreena @ Raji

Mohankumar vs Sreena @ Raji

SooperKanoon Citation : sooperkanoon.com/1881901

Court : Kerala Orders

Decided On : Dec-06-2019

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

Appeal No. : Mat.Appeal/206/2018

Appellant : Mohankumar

Respondent : Sreena @ Raji

Judgement :

IN I_tIT_. EEC-E C.OT.TP.I OF REP+IzI AT =B_N.AIqTLTA_M
PRESENT THE HONOURABLE MR. JUSTICE A.hfI JERED XPSTAQUE
TEE. E!ONOT,TP.ZLBLE. ELSE , JT,TSTICE SOPE!Y TEOM?.S
MonDAr, THE i3TH DAY OF DEcrm ER 2o21 / 22ND AGRAHAXun, 1943

EET.APPEAI. NO. 1360 OF 2QIL zical NST THE euDrmlT DATED
28.og.2ol7 IN op 7o3/2oo6 oF F.A_III=Y COT,TB.I ,
HOTT.ZLJRA_FTJLt}_ZL. APPEIIANT/PETITIONER+ SREERA @ RAJI
MOIIAN, ficaD 44 yEziRs, D/a.Rae ENDRAN, PUTHEN puRAYllj
EIOusE, ARAC:EIAli , ARAC:IAII RARE, AYIRENAI.liooR VILIAGE ,
PATELZDI:APURAM TAI.UK. BY ADVS . SRI . M . I . SURESHKURAR
SRI . A . EusI TE RESPONDENT/RESPONDEFqu ro EEN RIRmR, Ae
ED 42 yELp`s, s/O.Dlv ARARAN, PUTHEN VEEDU, YER00R MURI,

YEROOR VILLAGE, PATHENAPURAM TALUK -689695. THIS MATTER
NIAI, App EAI, Having BEEN FINAL, by HEAR ON

13.12.2021, ALONG WITH RAT.APPEAL- NOA.25/2018 AND 206/2018 AND Co
RECTED Cases, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING :
RALG ELZL. > pELn Nos.1360 1459 of 2017 25 206 of _ap

IN THE HIGH COURT OF REPUBLIC OF INDIA. IN THE MATTER OF THE
ECONOMY RABLE MR. JUSTICE A.Murthy vs. THE STATE OF
B.G.S. , IT, T-STICE -sop!! THE IN-S MNDAY, THE 13TH DAY OF DECEMBER 2021 /
22ND AGRAHAYANA, 1433 g LT.Appm, NO. 25 OF 201 Acal NST THE ORDER
IN Op 703/2006 OF F.I.I conT, HOTTARIAPPEIILENT/RESPONDENT DEE roEBuwH~
S,/O. IAT= DI`n~YJELt>LEN, AC-ED 53 YEEAP`S , PTJTEELN V=ED`-', ERcoR
MURI , rErooR vl LIAGE , PATHENAPURAM TALUK. By Adv MomN KURAR
(PARTY IN PERSONS ON) iispoe!D.=N!./pETITIO!=_E+ SREENA @ RATI MORN,
I/o.RA-ENDRAN, purrm] pu RAIL., ARcml., and HEL Krm, AYIRANALI.OOR VILLI
AGE , PATENAPURAM-689 695. BY .aDi DV-S . SRI . M . I . suRESHKumR SRI .
R . ENFITH THIS RATTIENIAI] AEipmL HAVING come up for dismissal On

13.12.2021, AljoNc- WITE RAT.LBp=alji.1360,/2017 AND COURT.c:TED cases, THE
count ON THE SAME DAY DELIVERED THE FOLLOWING: EEa_..LOp EAL
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ECONOMY RABLE MR. .ustlce A.bft]Hj RED nos TAQUE TE!E.
E!ONOT,Tp_zBiB|.E aa.-s. Th.T-STICE sopEy TE!om.-s MONDAr, THE 13TH DAY
oF DECREER 2021 / 22ND AGEunr ENA, 1943 aT.App EAI, NO. 206 OF 20_ji=&
Aenl NST THE OuDen ENT IN Op.ro.251/2007 OF F"II.I ccrmT, HOTTARAKERM
PPEIILENT/RESPONDENT_: _ roHENREMZLRj s/O. RATE DIVARARANj ac]=D -
537 PT.TTE!EN VEEI)I.I , YES.OOF. MT.TB,I , YEB.OOF, VILLAC-E ,
PATHANAPURAM TALUK. 8 Adv iromN K(DnR (p ART IN pERsoN)
R=spcneE!T/p=TITIO!=R: SREENA @ RATI MOELEN, D/O. RAe ENDRAN,
PUTREN puRAy Il,, jLRcml,, and EL RARA, AYIRANALI.OOR VILLAGE ,
PJITHENAPURAM-691306. JIM.TITIA aoEzN D/O. SREENA AND ro HEN
KURAR, ARCHEL, ARCELEL Ham, Ayl RENAI, I.OOR vll,LACE ,

pATHENApuRm4-6913o6.

Tlrm MOELEN D/a. SFi=-EN.1. .a_t!D roELZL_ng !tT.in_T2., .zL_t2.cELa|. ,
.A_t!.cELhi. ![_a_t2_a., AYIRENALL00R VII.ILZIGE , PATHANAPURAM-691306.
BY ADV SRI.SEREI dos EPH THCIAS TE!l.s .in.TB.nae NI.ILL. .zLLpp ELZL
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RABLE MR. ,JusTlcE A.mJm RED xpsTn QUE TtlE HONOU RABLE MRs.
4usTlcE sopHy THorns roNDAY, THE i3TH DAY OF DEcrm ER 2o2i / 22ND
AGRAHAym, 1943 BgT.APPEAl. NO.____1459 OF 20|J ficalN-sT THE el]DGRENT
DziT=D 28.og.2oI7 IN op 251/2oo7 oF FAMIL.Y COURT , KOTTARAREARA
APPEI.RANTS/E'ETITIONERLg+ SREENA @ RArI ro EEN, AGED 44 yEAEs, D/a
RALJENDRAN, PUTHEN PURAYIL, J"CEL, ARAcml. RARE, Ayl RARALI,oon
vll,ILZLGE , PATHANAPURAM TAluK. 4INITHA Mc}HEN, AGED 22 irmRs, D/o
SREERA iromN RlnmR, p{]THEN RI]RAIli, ARACHAI, , ARACIAL RARE,
AYIENELlicoR VIIi IAGE , PATELENAPURAM TALUK. TITm MOEEN, AGED 18
ymRs, D/a -SREENA romN KURAR, p{)TREN puRILyIl], ARAcz EL, ARAcml.
RARE, AIRAim LI,oon vll,IAGti , pATHANApuRn4 TAl.uK.

BY ADVS . SRI . M . I . -SURE-SHRInnR SRI . R . ENTITH BESPoue
ENT/REspero ENT: MOHAN KURAR, AGED 52 YEARS, S/O DIVIUKAEN,
EBE__.Appeal NOs.i36O & 1459 Of 2OI7 6 25 a 206 Of _2ng Eiu TREN vREDu,
yERc OR MURI, REROOR vILneE, pATEENApuRm4 TAl.uK-691 ool . BY ADVS .
RASHEED C. NOORANAD M.N.ENITm THIs rmTRIENlaL aEip EEL HAVING
CCRE up ron ENlsslon On

13.12.2o2i, Aro NG wl TH RAT.AppEAhNo.1360/2oI7 END CORECTED CASES,
TE[E COURT ON THE SARI DAY DELilv ERED THE FOLIIOwI NG:
RALE|APPEAL Nos.1360 61459 of 2017 a 25 & 206 oL

JUDG MENT

4ifu HAMED MUSTAOUE. i The dispute between the parties to these appeals has been resolved in mediation. The mediated settlement agreement is on board along with the report of the mediator. The mediated settlement agreement is recorded. We, therefore, dispose of these appeals by superseding the impugned judgment, and granting decree in terms of the settlement agreement. The mediated settlement agreement will form part of the judgment. Sd/- A.MUHAMED MUSTAQUE, JUDGE Sd/- SOPHY THOMAS, JUDGE AS

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM Mat Appeal Nos. 1360/2017 & 1459/20Z & Mat Appeal NosE 25 & 206 of 2018_ Sreena @ Raji Mohan : Appellant Vs. Mohan Kumar : Respondent rl _MediatedsettlementA_greeme_n_l (Under Section 89 of the Code of Civi. Procedure read with Rule23 of the Civil Procedure (ADR) Rules, 2008) The parties have agreed to settle the disputes on the following terms and conditions;

1. The respondent Mohan Kumar owns 1 Acre and 89 cents as registered holding and 21 cents as excess land in his possession in Survey Nos.822/1/55/2, rl 822/1/55/1/4, 822/1/56/1, 822/1/56/2 in Thinkal

Karikkam Village in Punalur Taluk. The respondent Mohan Kumar agrees to part with 1 Acre 85 cents of property in his possession in favour of his wife Sreena @ Raji Mohan and his two children jinjitha Mohan and jitha Mohan. &d&vvi Concil.iation Centre KeTalastateMedia"# H`gh Court of Kerala Koch.I -682 031 -2-

2. Mohan Kumar had prepared a draft Deed and sketch of

the entire property mentioned above. The parties had agreed to partition the above mentioned property in the same manner as reflected in the draft deed and in the sketch prepared. The draft deed and the sketch prepared, signed by all the parties concerned are appended herewith as Annexure 1 and 2 to this agreement.

a 3. The parties agree to execute the draft deed within one respondent Mohan Kumar shall bear the expenses for registration of the deeds in favour of the children and the Appellant Sreena @ Raji Mohan shall bear the expenses for registration of the deed in her name, as per the draft appended

herewith.

4. Mohan Kumar and Sreena @ Raji Mohan agrees to file a A

Joint Petition for Divorce under Sec 13 8 of the Hindu Marriage Act, before the Family Court, Kottarakkara within a period of one month after the registration of the deeds as stated in Clause 3 in this agreement. J9cTJLha Ke{a\as`ateMed`a`lon#dconc`uat`oncenm H'\ghCourtOfKeTa\la Koct`. -682031 -3-

5. The parties agree that they shall not have any future

claims between them, in view of the settlement arrived .in this Appeal. Consequently the respective parties shall withdraw the cases in various Courts if any pending.

6. The Appellant Sreena @ Raji Mohan and two daughters

named above shall not claim any future maintenance and marriage expenses for children from the respondent Mohan Kumar after the execution of the deeds as stated above' EiE

7. Respondent Mohan Kumar agrees that if the deed as per

Annexure 1 and 2 appended herewith is not executed in time as mentioned above the affected parties can initiate appropriate proceedings to execute the terms of this agreement through the Court of law.

8. In view of the above settlement clauses this Hon.ble Court may be pleased to record the settlement and pass a Judgment and Decree in accordance with the same. rl Dated this the 19th November, 2021. Appellants Respondent

1. Sreena @ Raji Mohan fJ cayu Mohan Ku

2. jinjitha Mohan

3. jitha Mohan. AN (f ji A -M ` iv Advocate for Appellant Advocate for the Respondent kefa`atat"ediation*C onciliation Centre High Court of Kerala kochi - 682 031

