

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13261/2012
(From the judgement and order dated 04/01/2012 in MA No.126/2003 of The
HIGH COURT OF KERALA AT ERNAKULAM)

CHANDRASEKHARAN

Petitioner(s)

VERSUS

LATHA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 03/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. A. Raghunath, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The special leave petition was preferred by the petitioner against the judgment dated 4th January, 2012 passed by the High Court of Kerala at Ernakulam in M.A. No. 126 of 2003. By the impugned judgment, the High Court rejected the prayer prayed by the petitioner for dissolution of marriage under section 13(1)(i) of the Hindu Marriage Act, 1955. The learned counsel for the parties earlier requested to refer the matter for Mediation. Therefore, the matter was referred to the Kerala State Mediation and Conciliation Centre, Kerala. The Report has been submitted by the Mediator on 3rd January, 2014 enclosing the copy of the Mediated Centre Agreement which reads as follows:

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1. "The 1st respondent agrees to settle this case by receiving an amount of Rs. 10,00,000/- from the petitioner towards full and final settlement of all her claims with petitioner, towards allowing his divorce petition.
2. Towards the payment of Rs. 10,00,000/- petitioner has today paid the 1st respondent Rs. 5,00,000/- (by way of D.D. No. 370025 dated 05.12.2013 for Rs. 1,50,000/- drawn on State Bank of Travancore, Manjeri, D.D. No. 783766 dated 06.12.2013 for Rs. 1,50,000/- of Canara Bank Manjeri and D.D. No. 105542 dated 03.12.2013 for Rs. 2,00,000/- of Axis Bank Manjeri).
3. Petitioner agrees to pay the 1st respondent the balance amount of Rs. 5,00,000/- in three installments, i.e., 1st installment of Rs. 2,00,000/- on or before 11.01.2014, the 2nd installment of Rs. 2,00,000/- on or before 11.02.2014 and the final installment of Rs. 1,00,000/- on or before

11.03.2014. Towards the payment of above installments the petitioner agrees to deposit the respective installment amount in the S.B. account of respondent (S.B. account No. 126301000006859 of Indian Overseas bank, Manjeri branch) and the same is accepted by the 1st respondent.

4. In view of above settlement and on receipt of all installments referred to above; the 1st respondent agrees to withdraw/or take necessary steps to quash the proceedings in C.C. No. 189/2005 of Chief Judicial Magistrate Court, Manjeri filed against the petitioner Under Section 498A IPC and withdraw M.C. No. 196/2010 of Family Court,

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Malappuram filed Under Section 125 Cr. P.C., O.P. No. 357/2003 of Family Court, Malappuram for custody of children and O.P. No. 1022/2012 of Family Court, Malappuram for return of ornaments.

5. The petitioner agrees to return the horoscope and the S.S.L.C. Book of the 1st respondent as and when and if traced out by the petitioner, since the same could not be found till date inspite of all efforts made by petitioner to locate the same.
6. The petitioner and 1st respondent has four children (by name Linsha aged 23 years, Rinsha aged 17 years, Lijin and Rijin (Twins) aged 14 years) and all of them are living the petitioner. Therefore the petitioner agrees to afford the 1st respondent with the visitorial right to see the children at a convenient place mutually fixed by petitioner and respondent; provided the children are willing and interested to see their mother. The petitioner also undertakes that all possible endeavor will be made by him to fulfill this visitorial right of the 1st respondent over their children.
7. The petitioner and 1st respondent agree that the presence of other respondents in this case is not necessary since the matter is settled as above."

In view of the Agreement reached between the parties, we dispose of the special leave petition in terms of agreement.

[RAJNI MUKHI]
SR. P.A.

[SUNEET MAHAJAN]
COURT MASTER