
(2010) 09 KL CK 0152
In the High Court Of Kerala
Case No : Matrimonial Appeal No. 335 of 2010

Bindiya S.

APPELLANT

Vs

C.S. Krishna Kumar

RESPONDENT

Date of Decision : 27-09-2010

Acts Referred:

Hindu Marriage Act, 1955 — Section 13B

Citation : (2010) 09 KL CK 0152

Hon'ble Judges : R. Basant, J; M.L. Joseph Francis, J

Bench : Division Bench

Advocate : S. Ramesh Babu, for the Appellant; K.P. Aravindakshan, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—This appeal is directed against the order of the Family Court, Ernakulam in I.A. No. 134 of 2010 directing the appellant/wife to produce the child before the Family Court on all dates of posting so that the respondent/husband can have access to the child at the Court premises from 10.30 a.m. to 4 p.m.

2. During the pendency of this appeal before this Court attempts were made to settle the disputes between the parties. The parties have come to a harmonious settlement before us. They had agreed to take all necessary steps to bring to termination all proceedings, which are initiated by them against the other. They had agreed to file a joint petition for divorce u/s 13B of the Hindu Marriage Act incorporating all the terms of settlement.

3. Today when the matter came up for hearing, it is submitted that O.P. 1706 of 2010 has been filed before the Family Court, Ernakulam u/s 13B of the Hindu Marriage Act for dissolution of the marriage by mutual consent on the basis of a joint application. That application is pending before the Family Court, Ernakulam. O.P. No. 208 of 2009 as also the connected matters pending before

the Family Court have all been withdrawn/dismissed consequent to the settlement. The learned Counsel, in these circumstances, pray that this appeal may also be dismissed recording the fact that the parties have settled all their disputes. O.P. 208 of 2009, from an interim order, in which this appeal has been preferred, has also been dismissed as withdrawn, submits the counsel. In the joint petition for divorce filed u/s 13B all the terms of settlement have been incorporated. The parties shall seek appropriate further orders from the Family Court, it is submitted.

4. We take note of all the submissions made. A copy of the joint application for divorce by mutual consent filed by the spouses before the Family Court, Ernakulam and numbered as O.P. 1706 of 2010 has been placed before us. All outstanding disputes between the parties have been settled by the said joint application. We are, in these circumstances, satisfied that the prayer made that this appeal may now be dismissed can be accepted.

5. In the result:

a) This appeal is dismissed, as agreed.

b) We make record of the submissions of the counsel that the parties have already filed O.P. 1706 of 2010 harmoniously resolving all the disputes between them and that O.P. 208 of 2009 has already been dismissed by the court below. No further directions are necessary in this appeal now, according to the counsel.