

IN THE FAMILY COURT AT ERNAKULAM

Present:- Sri. Ananthakrishna Navada K., Judge
Monday the 6th day of April, 2026/16th Chaithra, 1948

M.C. No. 10/2025 & O.P. 11/2024

OP 11/2024

Petitioner:

[REDACTED]

By Adv. - M.R. Venugopal & Dhanya P. Ashokan

Respondent:

[REDACTED]

By Adv. - Usha K.R & Sheeba Mariam J.

This petition is filed under Sections 7,12,10,17,19,25 and 25 of the Guardian and Wards Act, 1890.

MC 10/2025

Petitioners:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

P1 - By Adv. - K. Sunitha Vinod & Amrutha Vidhyadharan

Respondent:

[REDACTED]

By Adv. - M.R.Venugopal, S. Muhammad Alikhan & Anjana S Raj.

This petition is filed under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023 and Sec. 7(1) Explanation (f) of Family Courts Act, 1984.

These petitions came up for hearing before me on 01.04.2026 and the Court on 06.04.2026 passed the following:

COMMON JUDGMENT

MC 10 of 2025 is filed by the wife and two minor children of the respondent claiming maintenance under Section 144 of BNSS.

2. GOP 11 of 2024 is filed by the father of two minor children claiming permanent custody of the minor children and also to appoint the petitioner as guardian of the minor children.

3. Above cases have been referred for mediation. In the mediation, the parties have settled all the disputes and decided to file petition for divorce on mutual consent. They entered into an agreement containing the terms of settlement with respect to custody of the minor children and also the maintenance. In the light of the settlement, the original petition and the maintenance case are disposed of as follows.

1. Both parties agree to file a joint divorce petition on 24-03-2026.

2. Both parties agree that the children, namely Pranav Suresh (aged 9 years) and Anvika Suresh (aged 3 years), shall remain in the permanent custody of the Respondent/Mother in the GOP.

3. The Petitioner/Father shall have vacation custody for 50% of the vacation period, specifically the second half of the summer vacation. If the father fails to exercise custody of the minor children, such missed custody periods shall not be treated as waived; however, any alternative or make-up custody shall be subject to mutual agreement between the parties, taking into account the convenience and welfare of the minor children.

4. The Petitioner/Father shall have the right to daily uninterrupted

communication with the children through video or phone calls.

5. The children shall celebrate Thiruvonam/Onam alternately every year with the Petitioner/Father and Respondent/Mother. For the year 2026, the children shall celebrate Thiruvonam with the Respondent/Mother.

6. The children shall celebrate Vishu alternately every year with both parents. Since both parents siblings and extended family are settled abroad, weekend pick-up and drop arrangements may be planned or extended accordingly, considering the wellbeing of the children, with prior intimation. In the event of a medical emergency or demise of a close relative, the father shall have the immediate right to temporary custody to allow the children to participate in family rituals and to support the father. The father shall be responsible for pick-up and drop-off arrangements, ensuring the children's safety and well-being during such periods.

7. The children shall stay with the Petitioner/Father from the previous day of Vishu and shall be returned to the Respondent/Mother on the evening of Vishu.

8. The Petitioner/Father agrees to bear all educational expenses of the children, including school fees and books, until their graduation. The children shall continue their education at Talent Public School, Njarakkal, and Anvika Suresh shall also be admitted to the same school. Educational expenses shall include school van/transportation fees and school uniform charges, in addition to other regular educational costs. Any change in school transportation or the addition of tuition/extracurricular activities shall require the prior consent of the Father.

9. The petitioner/father shall be provided independent login credentials for school portals/apps and shall have the right to attend school annual days, sports meet, and graduation ceremonies irrespective of custody days.

10. The Respondent/Mother shall attend PTA meetings, guide the children in academic matters, and regularly inform the Petitioner/Father about their studies by providing copies of mark sheets, report cards, and class updates.

11. The Respondent/Mother agrees that the Petitioner/Father shall have complete access to communicate with and visit the teachers and principal to enquire about the children's education.

12. The Petitioner/Father agrees to bear all healthcare expenses of the children, including health insurance and hospitalization. Any additional medical expenses shall require prior consent from the father. The mother shall provide original receipts and invoices endorsed by the treating doctor/hospital (excluding relatives) within seven days of expenditure. The father shall be notified in advance or immediately in case of emergency or hospitalization.

13. The Petitioner/Father agrees to pay monthly maintenance of Rs. 7,500/- (Rupees Seven Thousand Five Hundred only) to each minor child.

14. The Respondent wife waives her claim for maintenance, as she is employed.

15. The Respondent wife agrees to return a gold bangle weighing 20 grams with personal belongings to the Petitioner husband. Upon receipt of the same, the Petitioner husband agrees to hand over the Respondent wife's passport, bank passbooks & personal belongings on the day the joint divorce petition is taken up for evidence. The passport of minor Pranav Suresh also will be handed over on that date.

16. The parties agree to abide by the order of the Kerala High Court in OP(FC) 552/2024 dated 26-09-2024 regarding custody arrangements, namely:

a) The respondent mother shall continue interim custody as ordered by the learned Family Court.

b) The petitioner shall have custody between 11:00 AM and 3:00 PM on every second and fourth Saturday and return the younger child at 3:00 PM. The elder child may remain with the father until 5:00 PM on the following Sunday.

c) The exchange venue shall be the front gate of the residence of the respondent (Mrs. Radha Jayshanker, Lakshmi Vihar, Nayarambalam, Vypin, Kochi), as agreed. The parties shall maintain a WhatsApp/app/register record signed by both parties at the time of pick-up and drop-off.

17. The Respondent/Mother shall permit the children to attend important family functions of the petitioner/father to maintain family relationships. If the father is unable to exercise custody, he shall notify the mother in WhatsApp at least 2-3 days in advance (except in cases of sudden medical or professional emergencies). The custody period may be rescheduled upon mutual agreement. In the absence of such agreement the custody period for that date shall be deemed waived, without prejudice to subsequent custody rights. The mother shall not take the minor children outside the territory of India without the prior consent of the father. Any request for international travel shall be made in writing, specifying the purpose, duration, and destination and consent shall not be unreasonably withheld by the father. For travel or relocation within India, the mother may take the minor children's welfare and best interests are ensured. In such circumstances, the mother shall inform the father of the address of the place of residence with contact number. The mother shall also bring the children, or make appropriate arrangements to bring them, and hand over the children to the father at a prefixed location within Ernakulam or Thrissur Districts.

18. The parties agree that the children shall celebrate Vishu 2026 with the petitioner/father and Thiruvonam 2026 with the respondent/mother, and thereafter alternate annually.

19. In the event of remarriage of the mother, custody arrangements shall continue as per this agreement unless modified by mutual consent or court order.

20. In the event of the death of either parent, the surviving parent shall be the natural guardian and custodian of the minor children. In such circumstances, the parents of the deceased parent (grandparents of the minor children) shall be entitled to reasonable visitation rights with the minor children.

21. Both parties shall act in the best interests of the minor children at all times. Any disputes arising from this agreement shall be resolved amicably, and if not, the matter may be referred to the Family Court for appropriate directions.

22. The mediation agreement shall form part of the decree.

(Prepared, corrected and pronounced by me in open court on 06.04.2026)

Ananthakrishna Navada K.
Judge, Family Court, Ernakulam

Appendix - Nil

Typed by: KR/-

Judge