

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

TUESDAY, THE 4TH DAY OF MARCH 2025 / 13TH PHALGUNA, 1946

MAT.APPEAL NO. 596 OF 2024

AGAINST THE JUDGMENT DATED 03.11.2018 IN OP NO.1783 OF 2014

OF FAMILY COURT, ERNAKULAM

APPELLANTS/RESPONDENTS 2 AND 3:

1 ANCY CYRIAC, AGED 75 YEARS
W/O.CYRIAC THAZHATHHEL HOUSE, BHARANANGANAM KARA
EDAPPADI.P.O., KUNNAMKUZHI KOTTAYAM DISTRICT - 686578

2 ROBINSON CYRIAC, AGED 52 YEARS
S/O.CYRIAC, THAZHATHHEL HOUSE, BHARANANGANAM KARA
EDAPPADI.P.O., KUNNAMKUZHI KOTTAYAM DISTRICT - 686578

V.RAJENDRAN (PERUMBAVOOR)
N.RAJESH
GOPAKUMAR P.
ANAINA VARGHESE

RESPONDENT/PETITIONER:

BILSY TENNYSON, AGED 47 YEARS
D/O.LUCKOSE THANITTAMACKAL HOUSE MADAKKATHANAM KARA
MANJALLOOR VILLAGE, RESIDING AT 221 CHINGFORD ROAD,
WALTHAMSTAW, LONDON UNITED KINGDOM, PIN - 686670

SMT K V BHADRA KUMARI

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON
04.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****Devan Ramachandran, J.**

By a separate order in C.M.Application No.1/2024, this Court has condoned the delay occasioned by the appellants in filing this appeal.

2. The above order was issued with full consent of both sides on certain specific conditions. A copy of the said order shall, therefore, be read as part of this judgment.

3. As recorded by us in the order in C.M.Application No.1/2024, Smt.K.V.Bhadra Kumari – learned counsel for the respondent, accepted the offer of Sri.V.Rajendran (Perumbavoor), learned counsel for the appellants - that his clients will pay the respondent Rs.7.5 lakhs as costs for the said application to be allowed; consequentially, for the impugned judgment and decree to be set aside - however, with a further condition that the appellants will furnish full security for the claim amount, without factoring in the amount aforementioned.

4. Since both sides are fully in agreement, we dispose of this appeal in the following manner, without entering into the merits of any of the rival contentions or controversies.



(a) The impugned judgment and decree will stand set aside on the appellants establishing before the learned Family Court that they have complied with the conditions attached in the order in C.M.Application No.1/2024 - namely to pay an amount of Rs.7.5 lakhs as costs/compensation to the respondent by way of a Demand Draft/Pay Order drawn on a nationalized bank in her name and by tendering the same to Smt.K.V.Bhadra Kumari - her learned counsel before this Court - within the time frame fixed therein, namely within one month from the date of receipt of a copy of the said order.

(b) Within a period of one month thereafter, the appellants will furnish full security for the claim amount - without factoring in the afore said sum of Rs.7.5 lakhs - before the learned Family Court, to its satisfaction, by appropriate means. If any property of theirs had been attached earlier, they are at liberty to offer the same also as security, provided it has no other encumbrances; but which, again will be subject to the satisfaction of the learned Family Court.

(c) On the afore directions being complied with, the learned Family Court will proceed to dispose of OP



No.1783/2014, after affording necessary opportunity to both sides, as expeditiously as is possible, but not later than eight months from the date on which direction No.(b) above is complied with.

(d) If the appellants are to default compliance of directions (a) or/and (b) above, then the benefit of this judgment will be lost to them; consequent to which, this appeal also would stand dismissed and the impugned judgment and decree restored.

Sd/- DEVAN RAMACHANDRAN
JUDGE

Sd/- M.B. SNEHALATHA
JUDGE

stu



2025:KER:18053

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APPENDIX OF MAT.APPEAL 596/2024

PETITIONER ANNEXURES

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| Annexure A1 | CERTIFIED COPY OF THE PETITION IN
O.P.NO.1783/2014 ON THE FILE OF FAMILY
COURT, ERNAKULAM. |
| Annexure A2 | CERTIFIED COPY OF THE OBJECTION DATED
25.12.2013 IN O.P.NO.347/2013 ON THE FILE
OF FAMILY COURT, PALA. |
| Annexure A3 | CERTIFIED COPY OF THE OBJECTION DATED
30.7.2014 FILED IN O.P.NO.347/2013 |
| Annexure A4 | CERTIFIED COPY OF THE PROOF AFFIDAVIT DATED
21.8.2018 FILED BY THE RESPONDENT HEREIN IN
O.P.NO.1783/2014 |