

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Mat.Appeal.No. 626 of 2011 ()

AGAINST THE COMMON ORDER IN OP 81/2010 OF FAMILY COURT,
MALAPPURAM DATED 23.12.2010

APPELLANT(S)/PETITIONER:

CHENGOTTU CHANDRAN, AGED 54 YEARS
S/O.LATE CHANTHUKUTTY, NEDUVA AMSOM DESOM
P.O.CHETTIPPADI, THIRURANGADI TALUK, PARAPPANANGADI
MALAPPURAM DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S): RESPONDENT

SHERLY C.K., AGED 44 YEARS
D/O.C.K.BHARATHAN, CHERIYA KOLOTH HOUSE
NEDUVA AMSOM DESOM, P.O.PARAPPANANGADI
THIRURANGADI TALUK
MALAPPURAM DISTRICT, PIN-676 319.

R,R1 BY ADV. SRI.K.P.SUDHEER
R,R BY ADV. SRI K P SUDHEER B/O
R,R1 BY ADV. SMT.M.SINDHU THANKAM

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
02-03-2015, ALONG WITH MA. 627/2011 & R.P.(F.C.) NO.59/2011,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.A.NO.626/2011

APPENDIX

ANNEXURE A1: TRUE COPY OF THE AGREEMENT DATED 9.8.2014 EXECUTED
BETWEEN THE APPELLANT AND THE RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

Mat.Appeal Nos.626 & 627 of 2011
&
R.P.(F.C.)No.59 of 2011

Dated this the 2nd day of March, 2015

JUDGMENT

K.T.Sankaran, J.

Since the Mat.Appeals and R.P.(F.C.) are connected, they are being disposed of by this common judgment.

2. Chandran, the appellant in Mat.Appeal Nos.626 and 627 of 2011, is the husband of Sherly.C.K. and the father of Rishma (hereinafter the parties are referred to as the husband, wife and daughter).

3. The husband filed O.P.No.81 of 2010 before the

Family Court, Malappuram, against the wife for divorce on the ground of cruelty. The Family Court dismissed O.P.No.81 of 2010 which is under challenge by the husband in Mat.Appeal No.626 of 2011.

4. The daughter filed O.P.No.178 of 2010, on the file of the Family Court, Malappuram, against Chandran claiming maintenance. The Family Court allowed the Original Petition against which Chandran filed Mat.Appeal No.627 of 2011.

5. The wife filed M.C.No.185 of 2010 on the file of the Family Court, Malappuram, against Chandran for maintenance under Section 125 of the Code of Criminal Procedure. The Family Court dismissed M.C.No.185 of 2010 which was challenged by the wife in R.P.(F.C.) No.59 of 2011.

6. The disputes between the parties were settled with the help of mediators and well wishers and an agreement dated 9.8.2014 was executed. The parties have filed separate applications in these Mat.Appeals and R.P.(F.C.). A copy of the agreement is also appended to these applications filed by the parties.

7. As per the terms of the agreement, the husband and wife agreed to file an Original Petition under Section 13B of the Hindu Marriage Act before the Family Court. It is submitted that O.P.(HM) No.71 of 2015 was filed by the husband and wife before the Family Court, Tirur under Section 13B of the Hindu Marriage Act and it is pending. As regards the claim for maintenance filed by the wife as M.C.No.185 of 2010, the parties agreed that the wife will withdraw R.P.(F.C.)

No.59 of 2011. It is also agreed that that the order granting maintenance to the daughter in O.P.No.178 of 2010 shall be set aside, since the daughter has already received ₹80,000/- in terms of the interim order passed by this Court.

The applications for recording the joint compromise petition are allowed and the Mat.Appeals and R.P.(F.C.) are disposed of in terms of the compromise. A copy of the agreement dated 9.8.2014 shall be appended to this judgment.

K.T.SANKARAN
JUDGE

BABU MATHEW P.JOSEPH
JUDGE