

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Mat.Appeal.No. 234 of 2014 ()

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AGAINST THE ORDER DATED 15-01-2014 IN OP 923/2010 of
FAMILY COURT, MALAPPURAM**

APPELLANT/PETITIONER:

**UMMUHABEEBA
AGED 37 YEARS, D/O.MUHAMMEDKUTTY,
KOTTILLIYILVEEDU, AAMAYOOR AMSOM
OTTAPALAM TALUK, PATTAMBI.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS/RESPONDENT:

**P.T. KUNHU MOIDUTTY,
AGED 59 YEARS, S/O MUHAMMED,
PULAKATT THODI VEEDU, KOLATHUR POST
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT-676505.**

**BY ADVS. SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA**

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 24-07-
2015, ALONG WITH OPFC 161/2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

AMG

MA 234/2014

APPENDIX

PETITIONERS' EXHIBITS

NIL

RESPONDENTS' EXHIBITS

ANNEXURE - R1 (a)- TRUE COPY OF THE CERTIFICATE DATED 25-03-2014 ISSUED BY THE STATE BANK OF TRAVANCORE, MALAPPURAM, CIVIL STATION BRANCH.

ANNEXURE - R1 (b)- TRUE COPY OF THE SETTLEMENT AGREEMENT DATED 07-05-2015.

ANNEXURE - R1 (c)- ORIGINAL AGREEMENT DATED 07-05-2015 EXECUTED BY THE PETITIONER.

True copy

P.A. To Judge

AMG

C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.

Mat. Appeal No. 234 OF 2014
&
R.P (FC) No. 161 OF 2014

DATED THIS THE 24th DAY OF JULY, 2015

J U D G M E N T

K. Ramakrishnan, J:

Petitioner in OP 923/2010 on the file of the Family Court, Malappuram is the appellant in the appeal. The counter petitioner in MC 1146/2010 on the file of Family Court, Malappuram is the revision petitioner in RP (FC) No.161/2014.

2. The appellant and respondent in Mat. Appeal 234/2014 were husband and wife and in that wedlock, respondents 2 & 3 in RP (FC) No.161/2014 were born. There was some dispute between them and they started residing separately and the appellant in Mat. Appeal 234/2014 filed OP 923/2010 before the Family Court, Malappuram for a decree directing the respondent herein to return the gold ornaments and also for Rs.1,00,000/-, the amount paid at the time of marriage. The appellant along with her children filed MC 1146/2010 before the Family Court, Malappuram for maintenance against the revision petitioner in the revision. Both

these cases were tried together and after consideration of evidence, the family court dismissed OP 923/2010 and allowed the maintenance case directing the respondent therein to pay maintenance @ Rs.3,000/- to the 1st petitioner, Rs.2,000/- to the 2nd petitioner and Rs.1,500/- to the 3rd petitioner from the date of petition and authorised the 1st petitioner-mother to receive/collect the amount on behalf of the other petitioners. Aggrieved by the dismissal of the original petition the appellant filed Mat. Appeal 234/2014. Aggrieved by the order of maintenance the revision petitioner filed RP (FC) No.161/2014. The RP (FC) was called for to be heard along with this Mat. Appeal as it was disposed of by a common judgment on the basis of common evidence.

3. During the pendency of the appeal the matter has been settled between the parties. The respondent in Mat. Appeal produced a compromise agreement entered into between the appellant and the respondent along with I.A. 2600/2015 and the same was allowed and the document was received. Both the counsel submitted that on the basis of agreement produced both the appeal and revision can be disposed of. Accordingly the order dismissing the original petition passed by the family court

and also order impugned directing the revision petitioner in RP (FC) to pay maintenance to the respondents therein are set aside and the appeal and revision are disposed of in terms of the agreement produced as Annexure-R1 (c) along with IA 2600/2015 in Mat. Appeal 234/2014 and agreement is recorded and the appeal and revision petition are disposed of in terms of the agreement entered into between the parties in Annexure-R1 (c). Annexure-R1 (c) will form part of this common judgment. The amount in deposit namely, Rs.16,60,000/- will be released to the parties in accordance with the terms of the agreement entered into between the parties after adjusting the amount mentioned therein.

With the above modification, both the appeal and revision are disposed of accordingly.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge