

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

O.P (F.C).No. 460 of 2014 (R)

PETITIONER:

**MICHAEL CHRISTOPHER,
S/O. LATE A. MICHAEL, 6-3-159/9/7,
OPP. TO ST CHRISTOPHER'S CONVENT HIGH SCHOOL,
VENKADARAMANA COLONY, KHAIRATABAD,
HYDERABAD - 500 004, ANDRAPRADESH.**

**BY ADVS. SRI. L. RAM MOHAN
SRI. M. AUBREY ABRAHAM ISAAC**

RESPONDENT:

**SAVITHA VISWANATHAN,
D/O R. VISWANATHAN, 201 MUDIYIL APARTMENTS,
KARAKAMURI, ERNAKULAM - 682 021.**

**R1 BY ADVS. SMT. K.MEERA
SRI. BOBY MATHEW**

**THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 07-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (FC).No. 460 of 2014 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE O.P. NO. 417/2014 ON THE FILE OF FAMILY COURT, ERNAKULAM

EXHIBIT P2: TRUE COPY OF THE I.A NO.725/14.

EXHIBIT P3: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER IN I.A NO.725/14.

EXHIBIT P4: TRUE COPY OF THE ORDER DATED 05-05-2014 IN I.A NO.725 OF 2014 ON THE FILE OF FAMILY COURT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

WW

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

O.P (FC). No. 460 of 2014

Dated this the 7th day of October, 2015

JUDGMENT

C.K. ABDUL REHIM, J.

In this original petition Ext.P4 order passed by Family Court, Ernakulam in I.A.No.725/2014 in O.P.No.417/2014 is under challenge.

2. By the impugned order the court below had directed the petitioner herein to pay maintenance at the rate of ₹5,000/- each to the respondent herein and to her child, with liberty reserved to them to approach the court seeking hike of the amount, as and when the petitioner herein is recovered from his illness.

3. When the above original petition came up for admission before this court on 20.09.2014, this court granted an interim stay against operation of the impugned

order, subject to condition of the petitioner paying maintenance at the rate of ₹3,000/- each to the respondent and her child. The said order was subsequently clarified on 16.12.2014 making clear that the petitioner is bound to pay the amount of maintenance at the rate of ₹3,000/- each during every month in future, from the date of the stay order onwards.

4. Today, when the case is taken up for consideration, counsel appearing on both side submitted that the parties have already arrived at a settlement with respect to all the issues relating to matrimonial disputes and that they are intending to approach the Family Court to settle the cases on the basis of such compromise arrived. It is agreed upon by both sides that till such settlement is arrived and the cases before the Family Court are disposed of, the interim direction issued by this court to pay maintenance at the rate of ₹3,000/- each can be continued.

On that basis it is prayed for a disposal of this original petition making the interim order absolute.

5. Hence the above original petition is disposed of by modifying Ext.P4 order to the extent of directing the petitioner to make payment of monthly maintenance at the rate of ₹3,000/- each to the petitioner and her child, till the disposal of O.P. No.417/2014.

6. Learned counsel for the petitioner made an appeal to this court to issue direction to the Family Court to permit settlement of the cases through the power of attorney holder of the petitioner, because he is totally bedridden and is not in a position to approach the Family Court.

7. We are of the considered opinion that the petitioner can approach the Family Court with an appropriate petition seeking such permission. We do not find any reason for the Family Court to deny such request, if made, especially in view of the settlement proposed to be

arrived and in view of the fact that the parties are intending to get disposed of the cases which are pending before the Family Court.

Sd/-
C.K. ABDUL REHIM
JUDGE

Sd/-
MARY JOSEPH
JUDGE

WW