

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 12TH DAY OF OCTOBER 2010/20th ASWINA 1937

RPFC.No. 358 of 2015 ()

ORDER IN M.P.NO.178/2015 IN MC 28/2015 OF FAMILY COURT, MUVATTUPUZHA
DATED 7.09.2015

REVISION PETITIONER/PETITIONER:

K.N.RAVI, AGED 56 YEARS,
S/O. NARAYANAN, KOTTAMALY HOUSE,
KODAMBILLY KARA, KOMBANADU VILLAGE,
KUNNATHUNADU TALUK.

BY ADV. SRI.D.ANIL KUMAR

RESPONDENTS/RESPONDENTS:

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1. MALLIKA, W/O. RAVI, KOTTAMALY HOUSE, PUTHUMANA KARA,
KOMBANADU VILLAGE - 683 546.
 2. ADARSH VISHNU, S/O. RAVI, KOTTAMALY HOUSE,
PUTHUMANA KARA, KOMBANADU VILLAGE - 683 546.

BY PUBLIC PROSECUTOR SRI. R.GITESH

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C) No. 358 of 2015

Dated this the 12th day of October, 2015.

ORDER

The revision petitioner is the petitioner in M.P.No.178 of 2015 in M.C.No.28 of 2015 on the files of the Family Court, Muvattupuzha.

2. The respondents filed M.C.No.28 of 2015 before the family court for maintenance. The revision petitioner filed M.P.No.178 of 2015 in the above said M.C. challenging the maintainability of the said M.C. According to the revision petitioner, there was no marriage between the first respondent and the revision petitioner and hence the first respondent is not the wife and the second respondent is not the son as claimed, and hence M.C.No.28 of 2015 is not maintainable. O.P.No.311 of 2001, filed by the respondents was settled by filing a compromise. In view of the said compromise also, M.C.No.28 of 2015 is not maintainable, particularly, when there was stipulation in the compromise that the respondents

would not make any further claim against the revision petitioner.

3. The respondents filed counter, contending that the first respondent is the wife and the second respondent is the child of the revision petitioner. The settlement will not disentitle her from claiming maintenance under Section 125 Cr.P.C.

4. Heard the learned counsel for the revision petitioner.

5. The court below, after considering the rival contentions, found that it is the statutory right of the wife to claim maintenance and her right to claim maintenance cannot be curtailed by any agreement as any such agreement is against the public policy. The court below also relied on the decision of the Division Bench of this Court in **Rajesh R. Nair v. Meera Babu (2013 (1) KHC 812)** and correctly held that such an agreement is against the public policy and consequently, the same is void. Even though the revision

petitioner contended that the first respondent is not his wife, that is a matter for evidence. In view of the above reasons, the court below was correct in holding that M.C.No.28 of 2015 was maintainable. Accordingly, the court below correctly dismissed M.P.No.178 of 2015 filed by the revision petitioner.

Having gone through the relevant inputs, I am satisfied that the order passed by the court below does not suffer from any illegality, impropriety or incorrectness, warranting interference by this Court.

In the result, this RP(FC) stands dismissed.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

Scl.

True Copy

PA to Judge