

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

RPFC.No. 175 of 2014 ()

AGAINST THE ORDER IN MC 54/2013 of FAMILY COURT, VADAKARA

REVISION PETITIONER(S)/RESPONDENT:

**ISMAIL V.P., AGED 36 YEARS
S/O.MOOSSA HAJI, VAZHAYIL PEEDIKAYIL HOUSE
THIRUVALLUR P.O., CHANIYAMKADAVU, VATAKARA THALUK
KOZHIKODE DIST.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/PETITIONERS:

- 1. SAREENA, AGED 27 YEARS
D/O.MOIDEEN, KOOLIKANDY HOUSE
MUYIPPOTH P.O., VATAKARA TALUK, KOZHIKODE DIST
PIN: 673 101.**
- 2. FATHIMA RANIYA,, AGED 7 YEARS
D/O.ISMAIL, KOOLIKANDY HOUSE, MUYIPPOTH P.O.
VARKARA THALUK, PIN: 673 101
2ND RESPONDENT IS MINOR REP: BY MOTHER FIRST RESPONDENT**

R1 BY ADV. SRI.P.VENUGOPAL (1086/92)

THIS REV. PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

STK

P.D. RAJAN, J.

R.P.(F.C.)No.175 of 2014

Dated this the 22nd of December 2015

ORDER

The revision petitioner is the husband of one Sareena, who is the petitioner in M.C.54/13 on the file of Family Court, Vadakara preferred under Section 125 of the Code of Criminal Procedure. The wife's case in the family court was that the revision petitioner married her as per Muslim Customary Rights and both of them resided together. A daughter was born to them in their wed lock and she is the second respondent in this petition. At the time of marriage, 43 sovereigns of gold ornaments was given to her. Subsequently, there was a difference of opinion and husband treated her cruelly and she left the matrimonial house. Revision petitioner is a real estate broker and having sufficient income. In this circumstance, she approached the family court for getting maintenance at the rate of Rs.6000/- to her and Rs.3000/- to her daughter. In the trial court, the husband entered

appearance and filed the written objection and denied the allegation. In the trial court the wife was examined as PW1 and the husband was examined as RW1. The trial court after sifting and weighing the evidence on record granted monthly maintenance at the rate of Rs.4500/- to the wife and Rs.3000/- to the daughter. Being aggrieved by that he preferred this revision petition.

2. When the matter came up for hearing, the learned counsel appearing for the revision petitioner submitted that they settled the matter out of court with the intervention of the mediators and they filed Crl.M.A.7348/15. I heard both sides. In Crl.M.A. they admitted that both parties decided to separate by a divorce and they agreed to settle all other litigations pending between them. Now all the surviving disputes have been amicably settled and they seek to drop the further proceedings as per the following conditions:

1. "We, the petitioner and respondents in the above matter, having settled all surviving claims/disputes through negotiations out of court, and decided to terminate all pending litigations

between us, beg to prefer this application for recording the compromise and for appropriate/ancillary orders.

2. Above revision petition is preferred against the order dated 29.03.2014 passed by the Family Court, Vatakara in M.C.No.54/2013 directing payment of monthly maintenance @ Rs.4500/- and Rs.3000/- respectively to the respondents herein. Apart from the above maintenance case, there were various other litigations as well, between us.
3. While so, all the surviving disputes and differences between the petitioner and the respondents have been now amicably settled between them upon the intervention of some of their well-wishers/mediators. The terms of the settlement are reduced into writing and an agreement has been executed between the petitioner and the first respondent. True copy of the agreement dated 02.07.2015 executed between the petitioner and the first respondent is produced herewith and marked as Annexure A.
4. As per the terms of the settlement, petitioner and the first respondent have mutually agreed to accept and abide by the verdict of 'divorce' granted by the Family Court, Vatakara dissolving the marital relationship between them in O.P.No.137/2013. Consequentially, petitioner has paid a sum of Rs.5,75,000/- to the first respondent

towards her future maintenance. Hence, first respondent has agreed to waive her 'right to maintenance' against the petitioner. Therefore, First respondent has no objection in cancelling the monthly maintenance allowed to her as per the order dated 29.03.2014 in MC No.54/2013 by the Family Court, Vatakara.

5. Similarly, as per the terms of the agreement, petitioner has agreed to deposit a sum of Rs.25,000/- as fixed deposit in the name of the second respondent and also to assign landed property having an extent of 18½ cents to the second respondent. In consideration thereof, the first respondent has agreed to reduce the maintenance amount allowed to the second respondent to Rs.2000/- per month. Hence, first respondent has no objection in altering the monthly maintenance allowed to the second respondent as per the order dated 29.03.2014 in M.C.No.54/2013 by the Family Court, Vatakara by reducing the same to Rs.2000/-

6. Petitioner and respondents have voluntarily and mutually agreed to abide by the terms of agreement dated 02.07.2015 executed between them and to terminate all litigations between them."

3. When parties are ready to settle the matter, this

court has no objection in permitting such settlement. In this circumstance, this case is disposed as compromised according to the above conditions. The 1st respondent wife admitted that she is not in need of the maintenance amount and the maintenance awarded by the family court is modified as follows:

The direction given to the revision petitioner to pay Rs.2000/- per month to the minor daughter as per direction in M.C.54/2013 is affirmed and this case is disposed as compromised accordingly.

STK

//TRUE COPY//

PA. TO JUDGE

Sd/-
P.D. RAJAN,
JUDGE