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Muhammad Maulavi, vs Ramsy,

Muhammad Maulavi, vs Ramsy,

SooperKanoon Citation : sooperkanoon.com/1370875

Court : Kerala

Decided On : Aug-25-2023

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : RPFC/169/2021

Appellant : Muhammad Maulavi,

Respondent : RAMSY,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945 MAT.APPEAL NO. 624 OF 2021 AGAINST THE JUDGMENT IN OP 308/2018 OF FAMILY COURT, MUVATTUPUZHA

APPELLANT/PETITIONER: RAMSIA, AGED 37 YEARS W/O.MUHAMMED MAULAVI, NELLISSERRY HOUSE, VILLAGE, NOW RESIDING AT KUNNUMPURATHU PALLARIMANGALAM VILLAGE, PIN-686 671. BY ADV PAUL K.VARGHESE RESPONDENTS/RESPONDENTS: 1 MUHAMMED MAULAVI, AGED 42

YEARS S/O.HASSAN, NELLISSERRY HOUSE, VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT, PIN-686 671. 2 HASSAN, AGED 65 YEARS S/O.MUHAMMED, NELLISSERRY HOUSE, VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT, PIN-686 671. 3 NACHI, AGED 62 YEARS W/O.HASSAN, NELLISSERRY HOUSE, Mat.Appeal No.624 of 2021 & 2 VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT, PIN-686 671. 4 ADDL. R4. THE KERALA STATE WAKF BOARD THE KERALA STATE WAKF BOARD IS SUO MOTU IMPLEADED AS ADDL. 4TH RESPONDENT AS PER

ORDER DATED 22.12.2021

BY ADVS. ALIAS M.CHERIAN T.K.SAIDALIKUTTY (B/O) K.M.RAPHY NEENU ANNA BABU ANJALY ELIAS BRISTO S PARIYARAM AJAI ALIAS CHALAPPURAM THIS MAT.APPEAL HAVING BEEN FINALLY HEARD ON 25.08.2023, ALONG WITH RPFC.169/2021, 234/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mat.Appeal No.624 of 2021 & 3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945 RPFC NO. 169 OF 2021 AGAINST THE JUDGMENT IN MC 110/2017 OF FAMILY COURT, MUVATTUPUZHA PETITIONER/RESPONDENT: MUHAMMAD MAULAVI, AGED 42 YEARS S/O.HASSAN, NELLISSERI HOUSE, VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT, PIN-686 671. BY ADVS. ALIAS M.CHERIAN K.M.RAPHY ANJALY ELIAS BRISTO S PARIYARAM RESPONDENTS/PETITIONERS: 1 RAMSY, AGED 37 YEARS W/O.MUHAMMAD MAULAVI, NELLISSERRY PALLARIMANGALAM VILLAGE, NOW RESIDING AT KUNNUMPURATHU HOUSE, PALLARIMANGALAM KARA, PALLARIMANGALAM VILLAGE, ERNAKULAM DISTRICT, PIN-686 671. 2 ABDULLA (MINOR), AGED 13 YEARS S/O.MUHAMMAD MAULAVI, NELLISSERRY PALLARIMANGALAM VILLAGE, REPRESENTED BY HIS NEXT

FRIEND/MOTHER RAMSY, AGED 37 YEARS, W/O.MUHAMMAD MAULAVI, NOW Mat.Appeal No.624 of 2021 & 4 RESIDING AT KUNNUMPURATHU HOUSE, VILLAGE, ERNAKULAM DISTRICT, PIN-686 671. 3 FIDA FATHIMA MUHAMMAD (MINOR), AGED 11 YEARS D/O.MUHAMMAD MAULAVI, NELLISSERRY PALLARIMANGALAM VILLAGE, REPRESENTED BY HER NEXT FRIEND/MOTHER RAMSY, AGED 37 YEARS, W/O.MUHAMMAD MAULAVI, NOW RESIDING AT KUNNUMPURATHU HOUSE, VILLAGE, ERNAKULAM DISTRICT, PIN-686 671. 4 ABDUL RAHAMAN (MINOR), AGED 7 YEARS S/O.MUHAMMAD MAULAVI, NELLISSERRY PALLARIMANGALAM VILLAGE, REPRESENTED BY HIS NEXT FRIEND/MOTHER RAMSY, AGED 37 YEARS, W/O.MUHAMMAD MAULAVI, NOW RESIDING AT KUNNUMPURATHU HOUSE, VILLAGE, ERNAKULAM DISTRICT, PIN-686 671. 5 KERALA STATE WAKF BOARD (ADDL.R5 IMPLEADED AS PER ORDER DATED 22-12-2021 IN RPFC 169/21) BY ADVS. PAUL K.VARGHESE A.A.GEETHA THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 25.08.2023, ALONG WITH Mat.Appeal.624/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mat.Appeal No.624 of 2021 & 5

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945 RPFC NO. 234 OF 2021 AGAINST THE ORDER IN MC 110/2017 OF FAMILY COURT, MUVATTUPUZHA REVISION PETITIONERS/PETITIONERS 1 RAMSIA AGED 37 YEARS W/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, VILLAGE, NOW RESIDING AT KUNNUMPURATHU PALLARIMANGALAM VILLAGE, PIN-686 671 2 ABDULLA (MINOR) AGED 13 YEARS S/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, VILLAGE, REPRESENTED BY HIS MOTHER RAMSY, W/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, VILLAGE, NOW RESIDING AT KUNNUMPURATHU PALLARIMANGALAM VILLAGE, PIN-686 671

3 FIDA FATHIMA MUHAMMED (MINOR) AGED 11 YEARS, D/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, PALLARIMANGALAM KARA, PALLARIMANGALAM VILLAGE,REPRESENTED BY HIS MOTHER RAMSY, W/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, PALLARIMANGALAM KARA, PALLARIMANGALAM VILLAGE, NOW RESIDING AT KUNNUMPURATHU HOUSE, PALLARIMANGALAM KARA, PALLARIMANGALAM VILLAGE, PIN-686671

Mat.Appeal No.624 of 2021 & 6 4 ABDUL RAHMAN (MINOR) AGED 7 YEARS S/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, VILLAGE,REPRESENTED BY HIS MOTHER RAMSY, W/O MUHAMMED MAULAVI, NELLISSERRY HOUSE, VILLAGE, NOW RESIDING AT KUNNUMPURATHU PALLARIMANGALAM VILLAGE, PIN-686 671

BY ADV PAUL K.VARGHESE RESPONDENT/RESPONDENT: 1 MUHAMMED MAULAVI, AGED 42 YEARS, S/O HASSAN, NELLISSERRY HOUSE, VILLAGE, KOTHAMANGALAM TALUK, PIN-686 2 KERALA STATE WAKF BOARD (ADDL. R2 IMPLEADED AS PER ORDER DATED 22-12-2021 IN RPFC 234/21) BY ADVS. ALIAS M.CHERIAN JAMSHEED HAFIZ K.M.RAPHY ANJALY ELIAS BRISTO S PARIYARAM NEENU ANNA BABU AJAI ALIAS CHALAPPURAM THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 25.08.2023, ALONG WITH Mat.Appeal.624/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Mat.Appeal No.624 of 2021 & 7

JUDGMENT

Sophy Thomas, J.

The Mat.Appeal is filed by the wife against the judgment in OP No.308 of 2018, dismissing her claim for gold ornaments and money. RP(FC) No.169 of 2021 is filed by the husband, challenging the quantum of maintenance ordered by the Family Court, to the wife and children in MC No.110 of 2017. RP(FC) No.234 of 2021 is filed by the wife and children contending that, the maintenance amount awarded by the Family Court is not inadequate.

2. Pending proceedings, we directed the parties to appear

before us, to try for a settlement. The husband and his brother, who were present before us, agreed that, for settling all the pending disputes between the parties, they could give Rs.12 lakh to the wife and children which would cover the maintenance amount also. The wife is amenable to receive that amount in full and final settlement of all the claims pending between parties including maintenance to the wife and children. Mat.Appeal No.624 of 2021 & 8 In the result, setting aside the impugned judgment and order, the Mat.Appeal and RPFCs are disposed of, directing the respondents to pay Rs.12 lakh to the appellant Smt.Ramsia within a period of six months from today, which covers the maintenance claim of the appellant and children. In default of payment of that amount within six months, the appellant can get it recovered from the respondents and their assets with 9% interest per annum from the date of default till realisation. The Mat.Appeal and RPFCs are disposed of accordingly. No

order as to costs.

Sd/- A.MUHAMED MUSTAQUE JUDGE Sd/- SOPHY THOMAS JUDGE smp Mat.Appeal No.624 of 2021 & 9 APPENDIX OF RPFC 169/2021 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE PAYMENT DETAILS OF MAINTENANCE AMOUNT PREPARED BY THE PETITIONER Annexure A2 TRUE COPY OF THE MEMO DATED 25/05/2022 FILED BEFORE THE FAMILY COURT, MUVATTUPUZHA IN M.P NO. 303 OF 2021 IN M.C NO. 110 OF 2017 Annexure A3 TRUE COPY OF THE MEMO DATED 20/06/2022 FILED BEFORE THE FAMILY COURT, MUVATTUPUZHA IN M.P NO. 303 OF 2021 IN M.C NO. 110 OF 2017 Annexure A4 TRUE COPY OF THE MEMO DATED 23/09/2022 FILED BEFORE THE FAMILY COURT, MUVATTUPUZHA IN M.P NO. 303 OF 2021 IN M.C NO.110 OF 2017

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