

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 25TH DAY OF AUGUST 2014/3RD BHADRA, 1936

UNNUMB.RPFC.No. 5313 of 2014 ()

AGAINST THE ORDER IN CMP 150/2013 IN M.C 272/2004 OF FAMILY COURT, CHAVARA

REVISION PETITIONER

**T.K.SIVANANDAN
AGED 63 YEARS, S/O KESAVAN
SIVA BHAVAN, THANDASSERIL
PERINGALAM, KAYAMKULAM**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENTS:

**1. B.SHEELA, AGED 49 YEARS
S/O BHASKARAN, SHAJI NIVAS
VADAKKUMBHAGOM, CHAVARA SOUTH (P.O)
KOLLAM 691 583**

**2. SILPA, AGED 17 YEARS
D/O SHEELA (MINOR)
REP. BY ITS MOTHER B. SHEELA, AGED 49 YEARS
S/O BHASKARAN, SHAJI NIVAS
VADAKKUMBHAGOM, CHAVARA SOUTH (PO), KOLLAM 691 583**

**THIS UNNUMBERED RPFC HAVING BEEN FINALLY HEARD ON 25-08-2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sab

P.UBAID, J.

Z.R.P.(F.C) No. 5313 OF 2014

Dated this the 25th day of August, 2014.

O R D E R

The petitioner herein is the father of the respondent. In a proceeding brought by the child under Section 125 Cr.P.C in 2004 maintenance was granted to him by the Family Court at the rate of ₹ 300/- per month. In 2013, C.M.P 150/2013 was filed under Section 127 Cr.P.C for reasonable enhancement in the amount of maintenance. After hearing both sides the Family Court, Chavara allowed the said application on 31.01.2014, and enhanced the amount of maintenance from ₹ 300/- to ₹ 1,500/-. The child was aged 7 years when she brought claim under Section 127 Cr.P.C. Now the petitioner seeks condonation of the delay of 101 days in filing the revision challenging the said order dated 31.01.2014.

2. The averments made by the petitioner in the affidavit in support of the application are that he does not have any permanent residence or avocation, that he has been residing in an old age home for 8 months, that he has no modern amenities and facilities for communication, and that he has been suffering from various ailments due to alcoholic and

mental stress. None of these grounds averred in the affidavit can be treated as sufficient and legal ground to condone delay. That he does not have modern facilities, or that he has some ailments due to his own alcoholism will not help him, and such a person cannot be granted relief of condonation by the court. He slept over his rights, and he probably did not think of filing revision. But after 101 days he thought of filing revision, and has now brought this revision. I find that the averments in the affidavit filed by him will not constitute proper, legal and acceptable ground to condone delay. This petition is liable to be dismissed as merit less.

In the result this Crl. M.A is dismissed. Consequently the memorandum of revision is also rejected as time barred.

**P.UBAID,
JUDGE**

sab

/TRUE COPY/

PA TO JUDGE