

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.Rev.Pet.No.710 of 2015

**Crl.A No.371/2013 of III ADDITIONAL SESSIONS COURT,KOZHIKODE.
CMP NO.1769/2013 IN M.C NO.24/2013 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT,KUNNAMANGALAM.**

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REVISION PETITIONER/1ST RESPONDENT/PETITIONER:

**SARITHA P.T.AGED 34 YEARS,W/O.PRASAD,
PULIYAPOTTAMMEL VEEDU,P.O.CHULLOOR,
NIT(VIA),CHATHAMANGALAM,KOZHIKODE.**

**BY ADVS.SRI.P.V.KUNHIKRISHNAN
SRI.P.V.ANOOP**

RESPONDENT'S/APPELLANTS/RESPONDENTS & STATE:

- 1. SAROJINI,AGED 71 YEARS,W/O.KUTTIRAMAN,
PULIYAPOTTAMMAL VEEDU,P.O.CHULLOOR,
NIT (VIA),CHATHAMANGALAM - 673 601.**
- 2. RENUKA,AGED 49 YEARS,D/O.KUTTIRAMAN,
PULIYAPOTTAMMAL VEEDU,P.O.CHULLOOR,
NIT (VIA),CHATHAMANGALAM - 673 601**
- 3. KUTTIRAMAN,AGED 83 YEARS,S/O.NAYADI,
PULIYAPOTTAMMAL VEEDU,P.O.CHULLOOR,
NIT (VIA),CHATHAMANGALAM - 673 601.**
- 4. LILLY,AGED 49 YEARS,S/O.RAMANAN,
GOSALIPARAMBA VEEDU,P.O.CHULLOOR,
NIT (VIA),CHATHAMANGALAM - 673 601.**
- 5. RAMANAN,AGED 52 YEARS,
GOSALIPARAMBA VEEDU,P.O.CHULLOOR,
NIT (VIA),CHATHAMANGALAM - 673 601.**
- 6. STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM,KOCHI - 682 031.**

R6 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K. ABRAHAM MATHEW, J.

Crl.R.P. No.710 of 2015

Dated this the 29th day of June 2015

ORDER

Revision petitioner is the petitioner in M.C. No.24 of 2013 on the file of the Judicial First Class Magistrate Court, Kunnamangalam. He prayed for an interim order restraining the respondents from dispossessing the petitioner from the house which is said to be a shared house hold. The prayer was granted by the learned Magistrate. In the appeal the learned Sessions Judge has set aside the order in the light of the decision of the Supreme Court in **Taruna Batra Vs. Shikha Batra [2007(3) KLT SN 33]**. This is challenged in this revision petition.

2. Heard.

3. At the hearing it was submitted by the learned counsel that it is sufficient for the court to make an observation that the petitioner may adduce evidence to establish that the petitioner's husband has a right in the

shared house hold untrammelled by any of the observations made in the appellate judgment. I think the request is reasonable.

This Crl.R.P. is dismissed with the above observation.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge