

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Crl.Rev.Pet.No. 1342 of 2015

AGAINST THE JUDGMENT IN CRL.A NO.533/2014 of IST
ADDL.SESIONS COURT, KOZHIKODE DATED 06-07-2015

AGAINST THE ORDER IN MC 72/2011 OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, KUNNAMANGALAM DATED 11-08-2014

REVISION PETITIONER/APPELLANT/COMPLAINANT:

VIJI.K, AGED 37 YEARS
D/O.BHUVANADAS, INDRAPRASTHAM,
KODAKKALAPARAMBA,
MALAPARAMBA,
KOZHIKODE.
(WITHIN THE LIMITS OF CHEVAYOOR POLICE STATION)

BY ADV. SRI.E.NARAYANAN

RESPONDENTS/RESPONDENT/RESPONDENT AND STATE:

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNANKULAM 682 031.
2. GIRIDHARAN, AGED 42 YEARS,
S/O.SEKHARAN, PARAPURATH, GOVINDAPURAM P.O,
KOZHIKODE-673 008 (WITHIN THE JURISDICTION OF
MEDICAL COLLEGE POLICE STATION)

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP
FOR ADMISSION ON 13-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

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P.UBAID, J.

Crl.R.P No.1342 of 2015

Dated this the 13th day of November, 2015

O R D E R

The revision petitioner herein is the petitioner in M.C No.72/2011 of the Judicial First Class Magistrate Court, Kunnamangalam in Kozhikode District. She brought this proceeding under Section 12 of the Protection of Women from Domestic Violence Act (for short 'PWDV Act') for various reliefs like protection order, order restraining alienation of the shared household, maintenance order, and also order for value of ornaments. The respondent entered appearance and resisted the claim, but during trial he remained ex-parte. The petitioner examined herself as PW1 but no documentary evidence was adduced on the side of the petitioner.

2. On an appreciation of the evidence the learned Magistrate found that the petitioner is entitled to get maintenance order, and also protection order. The other two reliefs were declined by order dated 11.8.2014. Aggrieved by the dismissal of the two claims, the petitioner approached the Court of Session, Kozhikode in Crl.A No.533/2014. In appeal

the learned First Additional Sessions Judge concurred with the findings of the trial court, as regards the two reliefs denied by the learned Magistrate, and accordingly dismissed the appeal on 6.7.2015. Now the petitioner is in revision is before this Court, claiming the two reliefs denied by the courts below.

2. On hearing the learned counsel and on a perusal of the orders passed by the courts below, I find that this revision does not merit admission to files. The petitioner does not have any independent or satisfactory evidence to prove the claim for ornaments or for value of ornaments. Though dealt with by the Judicial First Class Magistrate under the special law the claim is more or less like a civil claim. Such relief like value of ornaments or properties cannot be granted by the court in the absence of proper and satisfactory evidence. I find that the claim for value of ornaments was rightly declined by the two courts.

3. As regards the prayer for a direction restraining alienation of the shared household, I find that the actual position was properly appreciated by the two courts below and the said prayer was also rightly declined. The petitioner was married by the respondent in 2003 and she has been residing separately

from her husband for about 10 years. It is not known why in 2015 the petitioner should be granted an order restraining alienation of the shared household. At the time when she brought the claim, the said shared household belonged to her father-in-law. Pending the proceedings he died, and the respondent thus became a co-owner along with many other co-owners. I fail to understand why she now seeks an order prohibiting alienation of the shared household after 10 years. The relief as sought by the petitioner cannot be granted in the particular facts and circumstances of this case.

In the result, this Criminal Revision Petition is dismissed in lime, without being admitted to files.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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