

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Crl.Rev.Pet.No. 2100 of 2013 ()

**(AGAINST THE JUDGMENT IN CRL.A.NO. 613/2012 OF ADDL.SESIONS COURT-1,
THIRUVANANTHAPURAM DATED 31-07-2013)**

**(AGAINST THE ORDER IN MC.NO. 103/2011 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT -II, THIRUVANANTHAPURAM DATED 30-11-2012)**

REVISION PETITIONER/RESPONDENT/COUNTER PETITIONER:

**RAVEENDRAN NAIR,
S/O.LATE RAMAN PILLAI, RESIDING AT PANCHAJANYAM,
T.C.10/134 (1), HOUSE NO.112/C, SWATHI NAGAR,
PIPPINMOODU, PEROORKKADA P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.GOPAKUMAR R.THALIYAL
SRI.A.CHANDRA BABU**

RESPONDENT(S)/APPELLANTS/PETITIONERS AND STATE:

- 1. SREELATHA NAIR,
W/O.RAVEENDRAN NAIR, C/O.GREESHMA NAIR,
KUWAIT AIRWAYS CORPORATION, P.O.BOX NO.394,
SAFAT-13004, STATE OF KUWAIT.**
- 2. GREESHMA NAIR,
D/O.RAVEENDRAN NAIR, KUWAIT AIRWAYS CORPORATION,
P.O.BOX NO.394, SAFAT-13004, STATE OF KUWAIT.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

**R1 &R2 BY ADVS. SRI.V.SURESH
SRI.G.SUDHEER
R3 BY PUBLIC PROSECUTOR SRI.GITHESH.R.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

Crl.R.P.No.2100 of 2013

Dated this the 8th day of April, 2015

O R D E R

Petitioner is the husband of the first respondent. The second respondent is their daughter. The respondents filed a petition under Section 12 of the Protection of Women From Domestic Violence Act, 2005 alleging that the revision petitioner failed to maintain the first respondent and subjected both respondents to domestic violence. The prayers included maintenance for the first respondent, order restraining dispossession of the respondents 1 & 2 from the shared household, a direction to the revision petitioner to remove himself from the shared household apart from some other reliefs. The learned Magistrate found that the revision petitioner subjected the respondents to domestic violence and allowed the prayer of the first respondent for maintenance, the amount of which was fixed at Rs.1,000/- per month. He also restrained the revision petitioner from causing any disturbance to the respondents peaceful possession of and residence in the property and

from harassing respondents 1 and 2 physically or mentally. In the appeal filed by his wife and daughter (aggrieved persons) the learned Sessions Judge passed the following order: "I make an order for his removal from the shared household to avoid the trouble being meted out to the other inmates subject to the condition that his children, the 2nd appellant and her brother should found out a convenient and comfortable place of shelter to him with necessary provision for his food and comforts.". The legality of this order is challenged.

2. Heard the learned counsel on both sides.

3. The revision petitioner is a senior citizen. He was employed in Madhya Pradesh. He retired from service a few years ago. The first respondent is his wife and the second respondent their daughter. She was married off. The shared household stands in her name. There is no dispute that she availed herself of a loan to purchase the building. The revision petitioner has a case that he contributed substantial amount for its purchase. Both parties have no case that it is not a shared household.

4. What is challenged in this revision petition is the direction issued to him to remove himself from the shared household. Evidence discloses that it is very difficult for the revision petitioner and respondents 1 and 2 to live together in the same house.

5. The house belongs to the second respondent, who is a married woman. She has a brother. Ordinarily, father of a married daughter cannot insist on his residing with her and her husband. Because of the peculiar conduct of the revision petitioner it is not proper to allow him to reside with her and her husband. So in my view the direction issued by the learned Sessions Judge for removal of the revision petitioner from the shared household appears to be justified. Though the order passed by the learned Sessions Judge that the revision petitioner's children including his son who is not a party to this proceedings should "find out a convenient and comfortable place for shelter to him necessary provision for his food and comforts" does not appear to be legal, I do not interfere in it because the learned counsel for the respondents submits that it was

passed with their consent and they are not aggrieved by it.

6. Learned counsel for the revision petitioner submits that an order has been passed by the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 that the respondents 1 and 2 in this revision petition shall not cause any obstruction to his residing in the house. Ext.D4 is a copy of the order. This order is under challenge before this court. Under Section 9 of the said Act the only order that may be passed is a direction to pay monthly allowance towards maintenance. The order passed by the learned Tribunal will not affect the order passed by the court under Section 12 of the Protection of Women From Domestic Violence Act, 2005.

In the result, this criminal revision petition is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/