IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP (FC).No. 296 of 2015 (R)

AGAINST THE ORDER DATED 12-05-2015 IN CMP No.440/2014 & CMP No.441/2014 IN MC 186/2013 PASSED BY FAMILY COURT, VATAKARA.

PETITIONER:

ABDUL SALAM,
AGED 39 YEARS, S/O. LATE SULAIMAN,
KUTTIYAMUVINTE PURAKKAL HOUSE,
ANJUDY, PUTHIYA KADAPPURAM P.O.,
THANOOR, MALAPPURAM.

BY ADVS.SRI.U.P.BALAKRISHNAN
SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH

RESPONDENTS:
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1. **V V SHARMINA**
   D/O. HAMSA, PARAYINTE VALAPPIL HOUSE,
   CHORODE AMSOM DESOM, VATAKARA TALUK,
   KOZHIKODE DISTRICT.

2. **SHAMSEER,**
   AGED 11 YEARS (MINOR).

3. **SHAMNA BABU,**
   AGED 6 YEARS (MINOR).

4. **MUHAMMED THAHA,**
   AGED 3 YEARS (MINOR)

   (MINORS REPRESENTED BY 1ST RESPONDENT, MOTHER, GUARDIAN AND NEXT FRIEND V.V. SHARMINA, PARAYINTE VALAPPIL HOUSE, CHORODE AMSOM DESOM, VATAKARA TALUK, KOZHIKODE DISTRICT.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.

O.P (FC) No. 296 OF 2015

DATED THIS THE 3rd DAY OF JULY, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

Challenge is against Ext.P1 order passed by the Family Court, Vatakara in a proceedings initiated before that court under Chapter IX of Code of Criminal Procedure, 1973. By virtue of the impugned order, applications filed by the petitioner herein, seeking to set aside an exparte order and to condone the delay in filing such application, were dismissed.

2. We do not think that power vested under Article 227 can be invoked to interfere with Ext.P1 order in view of the specific remedy of revision available under Section 19 (4) of the Family Courts Act, 1984.

3. When confronted with the above situation, learned counsel for the petitioner sought permission to withdraw the original petition without prejudice to his right to file revision petition against Ext.P1 order.

4. Permission is granted. The original petition is dismissed as withdrawn with liberty to file revision petition against Ext.P1 order under Section 19 (4) of the Family Courts Act.

Sd/-
C.K. ABDUL REHIM, JUDGE.

Sd/-
K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge