

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

OP (FC).No. 349 of 2015 (R)

(FROM O.P.1709/2014 OF THE FAMILY COURT, THIRUVANANTHAPURAM)

PETITIONER(S) :

1. SANTHAMMA AGED 51 YEARS
D/O. SARADA, R.R.W.S 87, SANJOSE
RANNILANE, PEROORKADA

2. NISHA
D/O. SANTHAMMA, R.R.W.S 87, SANJOSE
RANNILANE, PEROORKADA

BY ADV. SRI.BASANT BALAJI

RESPONDENT(S) :

1. BALAN A.M.
S/O. LATE K.K MADHAVAN, SON COTTAGE, NEDINKARANA P.O
RIPON, MEPPADI 673 577 WYNAD

2. CHIEF MANAGER & ISBURSING OFFICER,
CENTRAL BANK OF INDIA, MOOLAACAVU BRANCH
SULTHAN BATHERY, WYNAD 673 626

R1 BY ADV.SRI.V.AJAKUMAR

R2 BY ADV. SRI.DEVAN RAMACHANDRAN

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC) .No. 349 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 TRUE COPY OF THE ORIGINAL PETITION FILED BY THE PETITIONERS
BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM

EXT.P2 TRUE COPY OF AFFIDAVIT AND PETITION NUMBERED AS I.A NO 3254/2014

EXT.P3 TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENT TO I.A
3254/2014

EXT.P4 TRUE COPY OF THE ORDER DTD 08/07/2015 IN IA NO 3254/2014 IN O.P
NO 1709/2014 ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM

/TRUE COPY/

P.S. TO JUDGE.

s1.

C.K.Abdul Rehim & Mary Joseph, JJ.

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O.P (FC) No.349 of 2015

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Dated this the 1st day of October, 2015.

JUDGMENT

Abdul Rehim, J.

1. The petitioners herein are the petitioners in O.P.No.1709 of 2014 on the file of the Family Court, Thiruvananthapuram. The petitioners are the wife and daughter respectively, of the first respondent. The Original Petition before the Family Court was filed seeking maintenance for the petitioners at the rate of Rs.7,500/- each and also claiming an amount of Rupees 10 lakhs towards expenses for marriage of the 2nd petitioner. It is evident that the marital relationship between the 1st petitioner and the 1st respondent remained strained. The petitioners have filed I.A.No.3254 of 2014 before the Family Court seeking attachment of pensionary benefits due to the 1st respondent. The 1st respondent filed objection to the

said interim application. Ext.P2 is the copy of the interim application and Ext.P3 is the copy of the objections. The Family Court had dismissed the interim application for attachment, observing that the amount sought to be attached is having immunity under Section 30 of the Payment of Gratuity Act, 1972 and under Section 10 of the Employees Provident Funds and Miscellaneous Provisions Act, 1956, the amount being the Gratuity and Employees Provident Fund due to the 1st respondent. It is aggrieved by Ext.P4 that this original petition is filed, by invoking jurisdiction vested on this Court under Article 227 of the Constitution of India.

2. Evidently, the Family Court had considered the position remaining settled through various legal precedents, in support of its decision with respect to bar against the attachment sought under the interim application. Learned counsel appearing for the petitioners had fairly conceded that, under provisions of Section 13 of the Payment of Gratuity Act and Section 10 of EPF & MP Act, and on the basis of

the legal precedent remaining settled, the position as held in the impugned order is sustainable.

3. Under the above mentioned circumstances, we do not find any materials to interfere with the order impugned, that too by invoking the supervisory jurisdiction vested on this Court under Article 227.

Resultantly, the original petition deserves no merit and the same is accordingly dismissed.

C.K.Abdul Rehim, Judge.

Mary Joseph, Judge.

sl.