

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

RPFC.No. 92 of 2010 ()

AGAINST THE ORDER IN MP 980/2008 IN MC 262/2007 of FAMILY
COURT, ERNAKULAM DATED 24-11-2009

REVISION PETITIONER/PETITIONER/RESPONDENT:

K.S.RAMACHANDRAN, AGED 49 YEARS,
S/O.P.K.SUBRAMANION, KARUVELIKANDATHIL HOUSE,
CHERANELLOOR P.O., ERNAKULAM DISTRICT.

BY ADV. SMT.J.SHEEBA MARIAM

RESPONDENT(S)/RESPONDENTS/PETITIONERS:

1. K.R.REMA, AGED 39 YEARS,
W/O.K.S.RAMACHANDRAN, KUNNAMTHUDY HOUSE,
PANANGADU P.O., COCHIN-6.

2. K.R.NIKHIL, (MINOR), AGED 16 YEARS,
S/O.RAMACHANDRAN, DO. DO.

3. K.R.AKHIL, (MINOR), AGED 16 YEARS,
S/O.RAMACHANDRAN, DO. DO.

4. K.R.RAHUL, (MINOR), AGED 12 YEARS,
S/O.RAMACHANDRAN, DO. DO.

R1 TO 4 BY ADV. SRI.A.JAYASANKAR

R1 TO 4 BY ADV. SRI.MANU GOVIND

R1 TO 4 BY ADV. SMT.B.MEERA

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

R.P(FC). No.92 of 2010

Dated this the 8th day of June, 2015.

O R D E R

Revision petitioner is the petitioner in M.P. 980/08 in M.C.No.262/07 on the files of the Family Court Ernakulam. He is the respondent in M.C .No.262/07 filed by the respondents herein, who are the wife and children of the petitioner, claiming maintenance allowance under Section 125 of the Code of Criminal Procedure. The grievance projected by the revision petitioner is that when the case was posted on 24.11.2008 for recording evidence of the petitioner, he could not appear before the court, as he was laid up due to fever. So, the M.C. was posted to 29.11.2008 for pronouncing the order. The petitioner has got valid contentions to be urged in the M.C. Hence he requested to set aside the ex parte order passed in the M.C. The respondents opposed the said contention on the ground that there was wilful negligence on the

part of the applicant in prosecuting the M.C. After considering the rival pleas, the court below dismissed the application. This order is under challenge in this revision petition.

2. Going by the impugned order it is seen that sufficient opportunity has already been given to the petitioner to contest the M.C on merits. In the M.C., the petitioner was set ex parte on 24.11.2008 and the order was passed on 29.11.2008. The petitioner has not produced any document to substantiate his contention that he was laid up due to fever. Thus the petitioner failed to make out sufficient grounds to set aside the ex parte order. In the above context, the court below is justified in dismissing the application. There is no legal infirmity or jurisdictional error in dismissing the application.

In the result, this R.P(FC) is dismissed.

Sd/–
K. HARILAL, JUDGE

okb.