

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

RP.No. 57 of 2015 () IN Mat.Appeal.530/2011

**AGAINST THE ORDER/JUDGMENT IN Mat.Appeal 530/2011 of HIGH COURT OF KERALA
DATED 25-09-2014**

REVIEW PETITIONER(S)/APPELLANTS:

- 1. SHARAFUDHEEN AGED 38 YEARS
S/O.KUNHIMUHAMMED, KUTTALI KADAVATH HOUSE
EDAKADAPURAM, THANUR P.O., MALAPPURAM DISTRICT**
- 2. KUNHIMUHAMMED
KUTTALI KADAVATH HOUSE, EDAKADAPURAM, THANUR P.O.
MALAPPURAM DISTRICT**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S)/RESPONDENT :

**JASNA BEEGUM
D/O.SIDDIQUE, ENIKKANAKATH HOUSE, EZHUVATHIRUTHI AMSOM
ERIKKAMANNA DESOM, C.V.JUNCTION, PONNANI TALUK
PONNANI P.O., MALAPPURAM DISTRICT.**

**R1 BY ADV. SRI.K.RAMAKUMAR (SR.)
R1 BY ADV. SRI.T.RAMPRASAD UNNI
R1 BY ADV. SMT.ASHA BABU
R1 BY ADV. SMT.AMMU CHARLES**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

RP NO.57/15

APPENDIX

REVIEW PETITIONER'S EXHIBITS

ANNEXURE A1: CERTIFIED COPIES OF THE STATEMENTS GIVEN TO THE POLICE DURING INVESTIGATION AND THE CHARGE IN CC NO.278/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.P.No.57 OF 2015

in

Mat. Appeal No. 530 of 2011

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Dated this the 4th day of February, 2015

O R D E R

Antony Dominic, J.

Petitioners were appellants in MA No.530/11. The appeal was dismissed by judgment dated 25th of September, 2014. In the said judgment, this Court upheld the order passed by the Family Court, Malappuram in OP No.657/2010, whereby the claim of the respondent wife for return of 70 sovereigns of gold ornaments and ₹3 lakhs was allowed. By the judgment which is sought to be reviewed, this Court also disposed of RP(FC) No.152/11, whereby the order passed by the Family Court in MC No.712/10 ordering maintenance was also upheld.

2. This common judgment was challenged before the Apex Court in SLP Nos.33464 and 33465/14. When the SLPs came up for consideration before the Apex Court on 12/12/14, the learned counsel for the petitioners sought leave to withdraw the SLPs to file review against the finding of this Court in the judgment in MA

No.530/11. The relevant portion of the order of the Apex Court reads thus;

“Learned counsel for the petitioners assails the conclusion, arrived at by the High Court, that Rs.3,00,000/- (Rupees three lakhs) had been given to the Respondent by his father. He states that the reason on which this conclusion is predicated is not forthcoming from the Order. He seeks leave to withdraw these Petitions so as to file a review against this finding.”

3. From the above, therefore, it is evident that the grievance urged before the Apex Court was only with reference to the finding of this Court on the claim of the respondent wife for return of ₹ 3 lakhs and no contention whatsoever was urged with respect to the order of this Court directing return of 70 sovereigns of gold or its value. It is taking advantage of the liberty so given by the Apex Court, this review petition is filed.

4. We heard the learned counsel for the review petitioners and also the learned senior counsel appearing for the respondent wife.

5. Although the learned counsel made an attempt to make submissions with reference to the order of this Court directing return of the gold ornaments also, having regard to the limited nature of the liberty granted by the Apex Court in the order referred to above, we are not inclined to entertain those submissions.

6. In so far as the finding of this Court directing payment of ₹3,00,000/- is concerned, the order of the Apex Court shows that the grievance of the petitioners was that the reason on which the said conclusion was reached was not forthcoming from the order. A reading of the judgment of this Court shows that after referring to the case pleaded by the parties and evidence let in by both sides, this Court in para 5 of the judgment found that the trial court on the available material found that ₹3,00,000/- was given on the date of marriage to the husband. Paragraph 10 of the judgment shows that this Court has examined the evidence on record and have also gone through the depositions of witnesses. Thereafter, it is specifically stated that the Division Bench agreed with the findings recorded by the court below. Therefore, it is

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incorrect for the petitioners to contend that the basis of the finding of this Court upholding the direction of the Family Court for payment of ₹3,00,000/- is not forthcoming from the order.

7. We, therefore are not satisfied that the petitioners have succeeded in making out any error in the judgment of this Court to entertain this review petition.

Review petition is, accordingly, dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
ALEXANDER THOMAS
JUDGE

Rp

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PA to Judge