

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE P.DRAJAN

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

R.P.No. 300 of 2015 IN Mat.Appeal.48/2008

AGAINST THE JUDGMENT IN Mat.Appeal 48/2008 of HIGH COURT OF KERALA
DATED 15-07-2013

REVIEW PETITIONER/RESPONDENT:

JITHU MOHAN
D/O.MOHANA PANICKER, PADIYATH HOUSE, MEENACHIL TALUK
KOTTAYAM DISTRICT.

BY ADV. SRI.A.K.HARIDAS

RESPONDENTS/APPELLANTS:

1. DIETZ GEN CREDO SOONER
S/O.C.P.SOONER, CHUDUKATTUNGAL HOUSE,
PUTHU VYPE, KOCHI.
2. SATHI SOONER
W/O.C.P.SOONER, CHUDUKATTUNGAL HOUSE,
PUTHU VYPE, KOCHI.

R BY SMTAYSHA YOUSEFF

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16-06-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & P.D.RAJAN, JJ.

**C.M.Appln.1045 of 2015 &
R.P.No.300 of 2015**

Dated this the 16th day of June, 2015

ORDER

Antony Dominic, J.

C.M.Appln.1045 of 2015:

This is an application filed to condone the delay of 581 days in filing the appeal. What is stated in the affidavit filed in support of the application is that the review was necessitated on account of the unwillingness of the respondents to honour a settlement which was entered into between the parties subsequent to the disposal of the MAT appeal as per the judgment which is sought to be reviewed. First of all, there is absolutely no material to substantiate what is stated in the affidavit. Therefore, we are not inclined to condone the long and inordinate delay as prayed for.

2. On merits also, we are not satisfied that any error in the judgment has been brought out for exercise of our review power. The ground for which the review is sought is that this Court has illegally reduced the value of the gold as ordered by the Family Court. In our view, even if this

contention is factually correct that only shows an illegality in the judgment and not an error for exercising review power.

In such circumstances, C.M. Application is dismissed. Consequently, review petition will stand dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
P.D.RAJAN
JUDGE

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