

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

RP.No. 454 of 2015 () IN OP (FC).178/2015

AGAINST THE JUDGMENT IN OP (FC) 178/2015 of
HIGH COURT OF KERALA, DATED 22.05.2015.

REVIEW PETITIONER(S):

A.A.JUDSON, AGED 45 YEARS,
S/O. ANTONY, ALUVAPARAMBIL HOUSE,
PUTHUVYPU P.O.,
ERNAKULAM DISTRICT - 682 016.

BY ADVS.SRI.K.JAYAKUMAR (SR.)
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA

RESPONDENT(S):

ANNA SABITHA, AGED 33 YEARS,
W/O. JUDSON,
MATHIRAPILLY HOUSE, NAZARETH ROAD,
ANGAMALI, PIN -683 572.

BY ADV. SMT.P.KPRIYA

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 01-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

:2:

RP.No. 454 of 2015 () IN OP (FC).178/2015

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.R1 : COPY OF THE VOUCHER NO.92 DATED 22.04.15 FOR RS.250/-.**
- EXT.R1(a) : COPY OF THE VOUCHER NO.104 DATED 24.04.15 FOR RS.100/-.**
- EXT.R1(b) : COPY OF THE VOUCHER NO.260 DATED 24.04.15 FOR RS.17,400/-.**
- EXT.R1(c) : COPY OF THE VOUCHER NO.6 DATED 27.04.15 FOR RS.10,000/-.**
- EXT.R1(d) : COPY OF THE VOUCHER NO.178 DATED 24.04.15 FOR RS.32,500/-.**
- EXT.R2 : COPY OF THE CERTIFICATE OF THE DISTRICT MEDICAL BOARD ERNAKULAM DATED 05.03.2015.**
- EXT.R3 : COPY OF THE CONFESSION LETTER DATED 02.01.2010 SIGNED BY THE PETITIONER.**
- EXT.R4 : COPY OF THE O.P. 1530/13 FILED BY THE PETITIONER FOR RESTITUTION OF CONJUGAL RIGHTS.**

RESPONDENTS EXHIBITS : NIL

//True Copy//

P.A. to Judge

SS

**C.K. ABDUL REHIM &
K. RAMAKRISHNAN, JJ.**

Review Petition No.454 of 2015 in
O.P.(F.C.) No.178 of 201

Dated this the 1st day of June, 2015

ORDER

K. Ramakrishnan, J

This review petition was filed by the respondent in the above matter, seeking review of the order passed by this court.

2. It is alleged in the petition that while considering the matter, court has not considered the welfare of the child and the reason stated by the court for interfering the order of the court below is against the principles laid down by the decisions. Further the child has already been admitted in a school on the basis of the order of the Family Court, and the presence of the mother is not available as she is working abroad and father will be available at least once in a month. So the order requires to be reviewed. Hence the petition.

3. Heard the senior counsel Sri.K.Jayakumar, Advocate appears for the review petitioner and Smt.P.K. Priya counsel for respondent in this petition.

4. We have gone through the order and also the reasons stated by the petitioner in the petition and considered the arguments of both sides. The decisions relied on by the counsel for the petitioner are relating to the matter in which parents were available to look after the children. In this case admittedly the child was with the grand parents for a longer period and visitorial rights were allowed. Further the trial of the case has already been started and the parties were partly examined also. So under the circumstances, we felt that, at a time when the order was passed, there is no necessity to change the existing arrangement regarding the education of the child and custody of the child, who was with the grant parents for a long period. Further the reasons stated by the petitioner in the petition are not a ground for review and we are not satisfied with the reasons stated for reviewing the order

passed by this court. Further there is no error apparent on the face of the record warranting review of the order passed by this court and the prayer for review is to be rejected. However, this court feels that a direction can be given to the Family Court to expedite the trial of the case within a time bound manner, so that, that will meet the ends of justice. So the review petition is dismissed with a direction to the family court, Ernakulam, to expedite the trial of the case in O.P.No.1965/2011 pending before that court, as expeditiously as possible, at any rate within three months from the date of receipt of this order. The court below is directed to dispose of the case untrammelled by the observations made by this court in this order while disposing the O.P.(F.C.) No.178/2015, but on the basis of the evidence adduced strictly in accordance with law.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge