

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

RPFC.No. 197 of 2015 ()

CMP Nos.752/2014 & 753/2014 IN MC No.155/10 OF FAMILY COURT,
MALAPPURAM DATED 07.05.2015.

REVISION PETITIONER(S)/PETITIONER/RESPONDENT:

ABDUL RAHOOF, AGED 42 YEARS
S/O. NEYYAN MOHAMMED MUSLIYAR, KOMBILEDATH HOUSE
KOTTALUNGAL KARIPPOOR, MALAPPURAM DISTRICT
REPRESENTED BY POWER OF ATTORNEY HOLDER MOHAMMED KUTTY
S/O. ABU, KARUVADAN HOUSE, KOORAD P.O.
VANIYAMBALAM AMSOM, NILAMBUR TALUK
MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE

RESPONDENT(S)/RESPONDENTS/PETITIONERS:

1. HABEEBA KONTHEDAN, AGED 37 YEARS
D/O. HASSAN KUTTY, PANIKKEERI HOUSE, VALIYAPARAMBU
KONDOTTY, MALAPPURAM DISTRICT - 673 638.

2. MUBASHIRA (MINOR), AGED 17 YEARS

3. ASEEB VAFIYA (MINOR), AGED 13 YEARS

4. SAFA NASRI (MINOR), AGED 9 YEARS
(MINOR RESPONDENTS ARE REPRESENTED BY GUARDIAN MOTHER
1ST RESPONDENT)

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

STU

RPFC.No. 197 of 2015

APPENDIX

PETITIONER'S ANNEXURE :

A1 : COPY OF THE DATED 23.01.2013 IN M.C.NO.155/2010 OF
FAMILY COURT, MALAPPURAM.

RESPONDENTS' ANNEXURES : NIL

//True copy//

P.A to Judge

K.HARILAL, J.

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R.P.(F.C) No.197 of 2015

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Dated this the 12th day of June, 2015

ORDER

The revision petitioner is the respondent and the respondents are the petitioners in M.C.No.155/2010 on the files of the Family Court, Malappuram. He is the petitioner in Criminal Miscellaneous Petition Nos.752/2014 and 753/2014 in the above M.C. Criminal Miscellaneous Petition No.752/2014 was filed for condoning the delay in filing the application to set aside the ex parte order and Criminal Miscellaneous Petition No.753/2014 was filed to set aside the ex parte order dated 23.01.2013 passed against the petitioner directing him to pay monthly maintenance allowance @ ₹6,000/- to the 1st respondent, ₹4,000/- to the 2nd respondent, ₹3,000/- to the 3rd respondent and ₹2,000/- to the 4th respondent from the date of filing the M.C. All the above petitions are allowed and ex parte order

was set aside on condition that the petitioner shall pay entire maintenance arrears payable to respondents 1 to 4 calculated @ ₹7,300/- per month from the date of filing the M.C. till date less the amounts paid and recorded by the court within three weeks from the date of petition. This order is under challenge in this revision petition.

2. The learned counsel for the petitioner advanced arguments contending that the condition imposed by the court below is unreasonable. Going by the impugned order, it is seen that earlier he was set ex parte and that ex parte order was set aside and the petitioner was given an opportunity to contest the matter on merits. Again, he was set ex parte. In the above context, I find no kind of unreasonableness in directing the petitioner to pay maintenance allowance as ordered by the court below to set aside the present ex parte order.

3. But, taking a lenient view, the petitioner is given two months' time to deposit the arrears as directed by the

court below. Consequently, the time granted to deposit the arrear as directed by the court below will stand extended by two months from today.

This revision petition is disposed of accordingly.

Sd/-
K.HARILAL, JUDGE.

Stu

//True copy//

P.A to Judge