

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

RPFC.No. 422 of 2015 ()

ORDER IN MC 216/2013 OF FAMILY COURT, THALASSERY

REVISION PETITIONER/RESPONDENT:

A.N.DASAN, AGED 47 YEARS,
S/O ANANDAN NAIR, NALLADATH, CHERUVANCHERRY PO
KANNUR DISTRICT

BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.

RESPONDENT(S) :

N.SREEJA, AGED 38 YEARS,
W/O DASAN A.N, M.N. MANDIYIL HOUSE, P.O ULIYIL
KANNUR DISTRICT - 670703.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

scl.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.422 of 2015

Dated this the 19th day of November, 2015.

ORDER

The revision petitioner is the counter petitioner in M.C.No.216 of 2013 on the files of the Family Court, Thalassery. The court below directed the revision petitioner to pay Rs.3,000/- per month towards the maintenance of the respondent herein, who is the wife of the revision petitioner.

2. Heard both sides.

3. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that since the revision petitioner was a deaf and dumb person, he was not able to understand the proceedings of the court below and consequently, the order impugned cannot be sustained. It appears from the order impugned that the revision petitioner sought for legal aid counsel. The counsel was appointed by the DELSA and he filed a petition before the court below, stating that he was unable to submit the counter

statement as he could not make communication with the revision petitioner as the revision petitioner was deaf and dumb. In the said circumstances, he requested for an interpreter. However, the court below could not provide any interpreter as requested by the learned counsel as the interpreter was not provided by DELSA or KELSA. The learned counsel for the revision petitioner has submitted that the brother of the revision petitioner is prepared to act as an interpreter to assist the counsel.

4. Having regard to the submission of the learned counsel for the petitioner, I am of the view that one more opportunity can be granted to the revision petitioner to contest the matter on merits. For the said reason, the order impugned cannot be sustained.

In the result, this revision petition stands allowed, setting aside the order impugned and the matter is remitted to the court below for fresh disposal of the matter in accordance with law, affording reasonable opportunity to both sides to

substantiate their contentions. The revision petitioner will be assisted by his brother as interpreter, submitted by the learned counsel for the revision petitioner. I make it clear that if the brother of the revision petitioner or other interpreter is not engaged by the revision petitioner to assist the legal aid counsel, the court below shall be at liberty to proceed in accordance with law, even in the absence of any interpreter. The parties shall appear before the court below on **22.12.2015**. I make it clear that the interim maintenance awarded by the court below will be in force till the passing of the final order by the court.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

Scl/19.11.2015

True Copy

PA to Judge

R.P.(F.C.) No.422 of 2015