

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

RP.No. 872 of 2014 () IN Mat.Appeal.485/2012

Mat.Appeal 485/2012 of HIGH COURT OF KERALA DATED 02-08-2012

REVIEW PETITIONERS/APPELLANTS:

1. PRAKASH KAMAPALAN, AGED 51 YEARS
S/O.LATE KAMAPALAN, P.K.BHAVAN, VALATHUGALCHERRY
ERAVIPURAM VILLAGE, KOLLAM DISTRICT, KERALA STATE
INDIA NOW RESIDING AT 20-WELLINGTON ROAD, CROYDON
CRO 2SH, LONDON U.K.
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
SURENDRA BABU
S/O.GANGADHARAN, AGED 59 YEARS, KRISHNA KRIPA,
KALAKKODU P.O.
POOTHAKULAM, PARAVOOR, KOLLAM DISTRICT
KERALA STATE, INDIA-691302.
2. SHEELA PRAKASH, AGED 47 YEARS
W/O.PRAKASH KAMAPALAN, MANAKKARA, VALATHUNGALCHERRY
ERAVIPURAM VILLAGE, KOLLAM DISTRICT, KERALA STATE
INDIA NOW RESIDING AT 20-WILLINGTON ROAD, CROYDON
CRO 2SH, LONDON U.K.
REPRESENTED BY HER POWER OF ATTORNEY HOLDER
SURENDRA BABU
S/O.GANGADHARAN, AGED 59 YEARS, KRISHNA KRIPA,
KALAKKODU P.O.
POOTHAKULAM, PARAVOOR, KOLLAM DISTRICT
KERALA STATE, INDIA-691302.

BY ADVS.SRI.BIJU ABRAHAM
SMT.NIMMY JOHNSON

RESPONDENT/RESPONDENT:

C.RADHAMANY
D/O.CHELLAPPAN, C.S.MANDIRAM, MAYYANAD CHERRY

RP.No. 872 of 2014

MAYYANAD VILLAGE, KOLLAM DISTRICT, NOW RESIDING AT 114
PEMDERON ROAD, WEST CROYDON, SURREY
LONDON

U.K. REPRESENTED BY HER POWER OF ATTORNEY HOLDER
SMT.J.SOBHANA, AGED 54 YEARS,
RESIDING AT CHARUVILAVEEDU (NALANDA), MYLAKKAD P.O.
THAZHUTHALA VILLAGE, KOLLAM DISTRICT-691571.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

smv

K.T. SANKARAN & C.K. ABDUL REHIM, JJ.

C.M. Application No.3310 of 2014

&

R.P.No. 872 of 2014

in

Mat.Appeal No.485 of 2012

Dated this the 29th day of January, 2015

O R D E R

K.T.Sankaran, J.

The Review Petition is filed seeking to review the judgment dated 2nd August, 2012. There is a delay of 797 days in filing the review petition and it is sought to be condoned by filing C.M.Application No.3310 of 2014. The Mat.Appeal was filed against the order passed by the Family Court dismissing the application for setting aside the ex parte decree. There was a delay of more than 3 years in filing the application. The Family Court dismissed the application and it was confirmed in appeal.

2. The ground raised for reviewing the judgment passed by this Court is that in view of the observation made in the last paragraph of the judgment, the petitioners may be precluded from filing the application to set aside the ex

parte decree. It is submitted that the Family Court dismissed the application for setting aside the ex parte decree not only on the ground of delay but also on the ground that the Power of Attorney executed by the present review petitioners was not a proper Power of Attorney. It is submitted that in view of that finding, the petitioners intend to file a proper application. The apprehension of the petitioners is that in view of the observations in the judgment in the Mat. Appeal, a proper application by the petitioners themselves would be barred.

3. When a judgment is rendered, it is not for the court which rendered the judgment to interpret about its effect in subsequent proceeding. It is for the court which deals with any subsequent proceeding to consider the effect of the judgment on the maintainability of the second application. We do not think that there is any merit in the Review Petition. Therefore, we do not think it proper to issue

notice on the application for condonation of delay as well.
The application for condonation of delay is accordingly
dismissed and the Review Petition is also dismissed.

Sd/-
K.T. SANKARAN , JUDGE

Sd/-
C.K. ABDUL REHIM, JUDGE

//true copy//

P.A to Judge

smv