

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

RPFC.No. 16 of 2014 ()

M.C. 82/2013 OF THE FAMILY COURT, KALPETTA

REVISION PETITIONER(S)/COUNTER PETITIONER:

MUSTHAF
S/O. AALI VALIYAKKATHODI HOUSE, ACHOOR, PINANGODE P.O.
VYTHIRI TALUK
WAYANAD DISTRICT (KALPETTA POLICE LIMIT)

BY ADV. SRI.P.K.RAMKUMAR

RESPONDENT(S)/PETITIONER:

AASHEEF
AGED 14 YEARS
(MINOR REPRESENTED BY MOTHER SUBAIDA M., D/O. MAMMU
MANGALASSERI HOUSE, CHENNALODE P.O., VYTHIRI TALUK
WAYANAD DISTRICT - 673 576.

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No. 16 of 2014

Dated this the 8th day of December, 2015

ORDER

The revision petitioner is the respondent in M.C.No.82 of 2013 on the files of the Family Court, Kalpetta. The revision petitioner was directed by the court below to pay ₹3,000/- per month to the respondent herein, who is the minor son of the revision petitioner, towards his maintenance.

2. Heard.

3. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that the revision petitioner was not granted opportunity to contest the matter on merits and in the said circumstances, the learned counsel has pleaded for granting one more opportunity to contest the matter on merits.

4. It appears from paragraph 3 of the order impugned that the matter was decided ex-parte by the court below. Having gone through the order impugned, I am of the view

that one more opportunity can be granted to the revision petitioner to contest the matter on merits and for the said reason, I am inclined to set aside the order impugned.

In the result, this revision petition stands allowed, setting aside the order impugned and the matter is remitted to the court below for fresh consideration of the matter in accordance with law, affording reasonable opportunity to the revision petitioner to contest the matter on merits, on condition of the revision petitioner depositing ₹30,000/- (Rupees thirty thousand only) before the court below within one month from today. If the revision petitioner does not deposit the amount as directed above, the order impugned will stand restored.

Sd/-

B. SUDHEENDRA KUMAR
JUDGE

Scl/8.12.2015

The term and figure "M.C. 82 of 2013" occurring in the first line of the order dated 08/12/2015 in R.P.(F.C.) No.16/2014 is corrected as "C.M.P No.82/2013 in M.C.97/2013" (vide order dated 07/01/2016 in R.P.(F.C.) 16/2014).

Sd/-

Registrar (Judicial)