

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

RPFC.No. 52 of 2014 ()

MC 45/2012 of FAMILY COURT, KALPETTA

REVISION PETITIONER/COUNTER PETITIONER:-:

SURESH C.A., AGED 32 YEARS,
S/O.ARUMUGHAN(LATE), CHAKIRINGAL(H), MAILAMBADI(P.O)
APPAD, MEENANGADI, WAYANAD DISTRICT.

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENTS/PETITIONERS:-:

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1. RADHIKA,, AGED 25 YEARS
W/O.SURESH.C.A.
NOW RESIDING @ KOTAKKATTUKUZHIYIL(H)
KANIYAMBETTA(P.O), VYTHIRI TALUK
WAYANAD DISTRICT - 673 124.
 2. SAYOOJ, AGED 5 YEARS
S/O.SURESH.C.A, (MINOR REPRESENTED BY HIS MOTHER
THE 1ST RESPONDENT).

R. BY ADV. SRI.BABU S. NAIR

R. BY ADV. SRI.K.RAKESH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No. 52 of 2014

Dated this the 17th day of December, 2015.

ORDER

The revision petitioner is the counter petitioner in M.C.No.45 of 2012 on the files of the Family Court, Kalpetta. The court below directed the revision petitioner to pay Rs.2,500/- to the first respondent and Rs.2,000/- to the second respondent towards their monthly maintenance. Aggrieved by the said order, this revision petition has been filed.

2. Heard both sides.

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 by the court below and in the said circumstances, the learned counsel has prayed for granting an opportunity to the revision petitioner to contest

the matter on merits. It has been submitted by the learned counsel for the respondents that the revision petitioner has been complying with the interim direction given by this Court as per dated 9.4.2014. It appears from paragraph 3 of the order impugned that the matter was decided ex-parte. Since the matter was decided ex-parte, I am of the view that it is only just and proper to grant one more opportunity to the revision petitioner to contest the matter on merits. 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 passing order afresh in accordance with law, affording reasonable opportunity to both sides to substantiate their contentions. Both parties shall appear before the court below on **12.01.2016** without further notice.

I make it clear that the interim order dated 9.4.2014 passed by this Court will be in force till the disposal of the matter by the court below. This being a matter of the year

2012, the court below is directed to dispose of the matter as expeditious as possible and at any rate within six months from the date fixed for the appearance of the parties before the court below.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

ScI/17.12.2015

True Copy

PA to Judge