

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

RPFC.No. 373 of 2014 ()

MC 474/2011 of FAMILY COURT, NEDUMANGAD

REVISION PETITIONER/RESPONDENT:

ANILKUMAR, AGED 49 YEARS
S/O.DIVAKARAN, PANAYIL VEEDU, NEAR ELLUVILA TEMPLE
KILIMANOOR.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS/PETITIONER & STATE:

-
1. ADARSH, AGED 15 YEARS
S/O.ANILKUMAR, AMBILIBHAVANAM MANOOR BHAGAM, ALAMCODE
REPRESENTED BY GRANDMOTHER, OMANA, D/O. DEVAKI, AGED 67 YEARS
-DO- PIN 695 014.
 2. ARATHI, AGED 13 YEARS
D/O.ANILKUMAR, AMBILIBHAVANAM MANOOR BHAGAM, ALAMCODE
REPRESENTED BY GRANDMOTHER, D/O.DEVAKI -DO- 695 014.

R1 & R2 BY ADV. SRI.K.SIJU
R1 & R2 BY ADV. SMT.CHITHRA.S.BABU

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.373 of 2014

Dated this the 23rd day of November 2015

O R D E R

When this revision petition 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 prayed for granting one more opportunity to the revision petitioner to contest the matter.

2. Heard both sides.

3. It appears from the order impugned that the order impugned was passed by the court below ex-parte. Having

heard both sides, 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. The revision petitioner shall deposit Rs.1,00,000/- (Rupees one lakh only) before the court below, within ten days from the date fixed for the appearance of the parties before the court below, towards the arrears of interim maintenance.

This being a case of the year 2011, the court below is

directed to dispose of the case as expeditiously as possible and at any rate, within four months from the date fixed for the appearance of the parties before the court below.

The parties shall appear before the court below on 10.12.2015.

If the amount is deposited as directed above, the first respondent shall be at liberty to withdraw the same from the court below.

Sd/-

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/24.11.2015

// True Copy //

PA to Judge