

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 32342 of 2015 (P)

PETITIONER :

ISMAIL, AGED 85 YEARS
S/O.KUNJU THAMPY, ELAVUM THADATHIL HOUSE
PATHINARAM KANDAM KARA, VATHIKUDY, IDUKKI-685602.

BY ADV. SRI.T.RAJESH

RESPONDENTS :

1. THE DISTRICT SUPERINTEND OF POLICE,
IDUKKI DISTRICT SUPERINTENDENT OFFICE, THODUPUZZHA
IDUKKI-685 603.
2. THE SUB INSPECTOR OF POLICE,
MURIKKASSERY POLICE STATION, MURICKASSERY
IDUKKI-685 602.
3. LATHEEF,
S/O.ISMAIL, ELAVUM THADATHIL HOUSE, PATHINARAM KANDAM
VATHIKUDY, IDUKKI-685 602.
4. RAMLA,
W/O.LATHEEF, ELAVUM THADATHIL HOUSE, PATHINARAM KANDAM
VATHIKUDY, IDUKKI-685 602.
5. MAINTENANCE TRIBUNAL,
IDUKKI SUB DIVISION, CIVIL STATION, IDUKKI-685 603.

R1 & R2 BY SPL.GOVERNMENT PLEADER, SMT.GIRIJA GOPAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32342 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS :

EXT. P1 : THE TRUE COPY OF THE PETITION SUBMITTED BEFORE
THE 5TH RESPONDENT.

EXT. P2 : THE TRUE COPY OF THE ORDER NO.B3-3980/14 OF THE 5TH RESPONDENT

EXT.P3 : THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 1ST AND 2ND RESPONDENT.

EXT.P4 : THE TRUE COPY OF THE JUDGMENT IN WP(C)NO.11189 OF 2014.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 32342 OF 2015

Dated this the 30th day of October, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned Government Pleader. No notice is being issued to respondent Nos.3 and 4 in view of the order which is being passed.

2. The petitioner has filed this petition seeking police protection against his son and daughter-in-law. Petitioner prays that the settlement deed executed by him in favour of 3rd respondent be cancelled. Further direction has been sought to remove his son and daughter-in-law from the house and permit the petitioner to reside in the house. Petitioner has obtained Ext.P2 order passed by the Maintenance Tribunal dated 07.01.2015.

3. We are of the view that in so far as the cancellation of the settlement deed is concerned, remedy of the petitioner is to approach competent Civil Court and in so far as the order of the Maintenance Tribunal is concerned, proper measures be taken by the petitioner before the Tribunal itself.

4. We do not find this case to be a fit case for issuance of any direction as prayed for. The petitioner may take appropriate measures for the reliefs sought.

With the above observation the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**