2025:KER:32030

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

RP NO. 210 OF 2025

AGAINST THE JUDGMENT DATED 07.01.2025 IN Mat.Appeal NO.377 OF 2014 OF HIGH COURT OF KERALA

REVIEW PETITIONER/RESPONDENT:

SULABHA DEVI.C.C.
AGED 51 YEARS, RESIDING AT NISTULA, P.O.KANNAVAM, KANNAVAM AMSOM, KANNAVAM DESOM, THALASSERY TALUK, NEAR THODIKALAM TEMPLE, KANNUR DISTRICT, PIN - 670001

BY ADVS. M.SASINDRAN
SATHEESHAN ALAKKADAN
MURALI PALLATH
P.M.UNNI NAMBOODIRI

RESPONDENT/APPELLANT:

ANAND.P.K.V.
AGED 55 YEARS, RESIDING AT CHANDRIKA, KADAMBUR AMSOM, KADAMBUR DESOM, P.O.KADAMBUR, THALASSERY TALUK, KANNUR DISTRICT., PIN - 670001

ADV.K.N. ABHILASH

THIS REVIEW PETITION HAVING COME UP FOR HEARING ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:32030

SATHISH NINAN & SHOBA ANNAMMA EAPEN, JJ.
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R.P. No.210 of 2025
in
Mat.Appeal No.377 of 2014
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Dated this the 11th day of April, 2025

ORDER

Sathish Ninan, J.

The Mat Appeal was disposed of as per the judgment dated 07.01.2025. The review petition is by the respondent in the appeal.

2. The judgment sought to be reviewed was passed after a full-fledged hearing of the learned counsel on either side and on the facts as were projected. The Apex Court has repeatedly held that a review is not to be an attempted rehearing of the appeal in disguise. The Apex Court has also deprecated the practice of moving review petitions through a different counsel.

3. At paragraph 9 of the impugned judgment, it has been stated thus;

> *"Admittedly, at least since 2002, the parties are living separately."*

The Family Court had, on the evidence, entered into a finding thus;

> *"So, the cumulative effect of this version would show that till 20.08.2009, they lived together and there is no separation. ....."*

Even if the year of separation is considered as '2009' there is no reason to differ from the conclusions arrived at in the judgment sought to be reviewed.

4. In the impugned judgment it is noted that, on 07.01.2025, when the matter was being considered, an amount of Rs.1,57,600/- was paid to the respondent-wife towards the amount claimed in an execution proceedings for arrears of maintenance/educational expenses. The

undertaking of the husband that he shall pay a further amount of Rs.50,000/- within one month, was also recorded. So also, his undertaking that he shall share the marriage expenses of the child, was also recorded. Today, a joint memo has been filed by the learned counsel for the appellant and respondent acknowledging the payment of Rs.50,000/- in terms of the undertaking. The memo is recorded.

We do not find any reason to review the judgment. The review petition is dismissed.

Sd/-

SATHISH NINAN
JUDGE

Sd/-

SHOBA ANNAMMA EAPEN
JUDGE

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