

**Rossy John vs John**

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**SooperKanoon Citation :** [sooperkanoon.com/1321877](https://sooperkanoon.com/1321877)

**Court :** Kerala

**Decided On :** Feb-22-2024

**Judge :** Honourable Mr. Justice Bechu Kurian Thomas

**Appeal No. :** OP(Crl.)/995/2023

**Appellant :** Rossy John

**Respondent :** JOHN

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 22ND DAY OF FEBRUARY 2024 / 3RD PHALGUNA, 1945 MC 29/2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I, CHALAKUDY PETITIONER/ RESPONDENT : ROSSY JOHN, AGED 60 YEARS, D/O. KUNJUVAREETH, PULINGARA DESOM, KUTTICHIRA VILLAGE, W/O. JOHN, KAVUNGAL HOUSE, CHALAKUDY TALUK, PIN - 680 307 SINDHU SANTHALINGAM A.D.SHAJAN SRI.P.SANTHALINGAM (SR.) RESPONDENT/ PETITIONER/ STATE : 1 JOHN, AGED 69 YEARS, S/O. KUNJUVAREED, KAVUNGAL HOUSE, P B NO. 19609, ALAIN-ABUDHABI, UAE, KODASSERY VILLAGE, CHETTikulam DESOM,

CHALAKUDY TALUK, THRISSUR DISTRICT, PIN - 680 721 2 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031 Pranoy K. Kottaram GEORGE MATHEWS(K/550/2000) SIVARAMAN P.L(K/1457/2020) CISLY GRASHIOUS(K/003510/2023) BY SRI.GRACIOUS KURIAKOSE, ADGP THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 22.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

O.P.(Crl) No.995 of 2023 Dated this the 22nd day of February, 2024

## **JUDGMENT**

Read order dated 16.02.2024.

2. The learned Senior Counsel appearing on behalf of the first respondent submitted that the said respondent is not ready for any mediation. Hence the question of mediation between the parties does not arise.

3. The original petition was filed seeking a declaration that the question

of law left open by the Supreme Court has to be decided by the High Court in accordance with law before ordering eviction and also for a direction that the petitioner is entitled to reside in the share household till the matter left open by the Supreme Court is decided by the High Court.

4. By the impugned order dated 16.02.2024, this Court had already

clarified that the question of law, if any, left open by the Supreme Court is not an indication of the case being revived in the form of a remand or for further consideration, but that as and when the question raised before the court arises in another case, those questions shall not be treated as finally decided. In view of the above observations, the relief sought for in this original petition cannot be entertained. Accordingly, this original petition is dismissed. Sd/- BECHU KURIAN

THOMAS, JUDGE RKM APPENDIX OF OP(CRL.) 995/2023 PETITIONER'S EXHIBITS : Exhibit P1 A TRUE COPY OF THE ORDER DTD 18/4/2018 IN MC 29/2017 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY Exhibit P2 A TRUE COPY OF THE ORDER DTD. 12/10/2018 IN CRL. APPEAL NO. 141/2018 OF THE III ADDITIONAL SESSIONS JUDGE, THRISSUR Exhibit P3 A TRUE COPY OF THE JUDGMENT IN CRL. REV. PETITION NO. 1553/2018 DTD. 25/8/2021 OF HON'BLE HIGH COURT OF KERALA Exhibit P4 A TRUE COPY OF THE ORDER DTD. 4/12/2023 IN SLP (CRL.) 7182/2021 PASSED BY THE HON'BLE SUPREME COURT Exhibit P5 A TRUE COPY OF THE ORDER DTD 13/12/2023 IN CMP NO. 3834/2021 IN MC 29/2017 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY

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