

Sunitha vs Prathapan

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Court : Kerala Orders

Decided On : Jul-29-2021

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : RPFC/150/2021

Appellant : Sunitha

Respondent : Prathapan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
THURSDAY, THE 29TH DAY OF JULY 2021 / 7TH SRAVANA, 1943
AGAINST THE ORDER ISSUED BY THE FAMILY COURT,
ERNAKULAM IN I.A.NO.2731/2021 IN O.P.NO.1381/2021 DATED
09.07.2021. REVISION PETITIONER: SUNITHA, AGED 40 YEARS,
W/O.PRATHAPAN, BY ADV.SMT.T.B.MINI RESPONDENT:
PRATHAPAN, BY ADVS.SRI.K.R.VINOD SRI.M.S.LETHA THIS
REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 29.07.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: -2-

ORDER

The revision is against the interlocutory order passed in a civil

suit, i.e., interim order of injunction restraining the petitioner herein from interfering with a shop room scheduled. The revision will not lie by virtue of operation of Section 19(5) of the Family Court Act. The legal position was very much settled by this Court in Baiju v. Valsala [2006 KHC 1039]. Hence the learned counsel for the petitioner sought permission to withdraw the revision petition without prejudice to the right to exhaust the remedy available as per lex fori and lex loci. Hence permission is granted.

Hence this R.P.(FC) is dismissed as withdrawn. Sd/- P.SOMARAJAN JUDGE bpr

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