

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 30TH DAY OF AUGUST 2013/8TH BHADRA, 1935

RP.No. 695 of 2013 () IN Mat.Appeal.887/2011

AGAINST THE ORDER/JUDGMENT IN Mat.Appeal 887/2011 of HIGH COURT OF KERALA
DATED 24-06-2013

REVIEW PETITIONER(S)/APPELLANT/RESPONDENT:

SIYAD.C., AGED 32 YEARS,
S/O. ABDULLA, BAITHULNOOR, KANNAVAM AMSOM,
CHITTRIPARAMB, THALASSERY TALUK,
KANNUR DISTRICT.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT/ RESPONDENT/PETITIONER:

THASLEEDA.A., AGED 23 YEARS,
W/O SIYAD, ASHMIDAMANZIL,
KARUVACHAL P.O., KAYANI,
MATTANNUR MUNICIPALITY,
THALASSERY TALUK,
KANNUR DIST.

R BY SRI.CIBI THOMAS

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 30-08-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

acd

ANTONY DOMINIC & P.D. RAJAN, JJ.

R.P.No.695 of 2013
in
Mat.Appeal No.887 of 2011

Dated this the 30th day of August, 2013

ORDER

ANTONY DOMINIC, J.

This review petition is filed seeking review of the judgment in Mat. Appeal No.887/2011. By judgment dated 24th of June 2013, the judgment of the Family Court granting divorce was confirmed holding that the respondent herein had established her case of impotency of the appellant and on that ground this Court can uphold her entitlement for dissolution of marriage as provided under Section 2(v) of the Muslim Marriage Act.

2. In this review petition, the petitioner points out that subsequently he got married and that his wife in the second marriage is pregnant and therefore, the finding that his impotency is erroneous and should be reviewed.

3. Insofar as the judgment in the Mat.Appeal is concerned, this Court only examined the appellant's relationship with the respondent and accepted the case of the respondent that the appellant did not have any sexual relationship with her. Although the word

'impotency' has been used in the judgment, the use of that word was only in the aforesaid context and was not meant or intended to describe the petitioner herein as impotent in his relationship with others including with his second wife.

Therefore, we do not think that any further clarification of the judgment is required as sought for by the petitioner in this review petition.

The review petition is closed.

ANTONY DOMINIC, JUDGE

P.D. RAJAN, JUDGE.

acd

