

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR**

Wednesday, the 21st day of January 2026 / 1st Magha, 1947

CRL.REV.PET NO. 804 OF 2025

**Crl.A 185/2023 OF ADDITIONAL DISTRICT COURT, PALA, KOTTAYAM
MC 57/2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,KANJIRAPPALLY, KOTTAYAM
REVISION PETITIONER(S)/1ST APPELLANT /1ST RESPONDANT:**

**AJMAL, AGED 36 YEARS, S/O. HUSSAIN, VILANGIL HOUSE, KOOTTICKAL
VILLAGE, YENDAYAR P.O., MUNDAKKAYAM, , PIN-686514.**

**RESPONDENT(S)/RESPONDENTS AND APPELLANTS 2 & 3/ PETITIONERS AND RESPONDENTS 2 &
3:**

- 1. FATHIMA AJMAL, AGED 31 YEARS W/O. AJMAL, MADATHIL HOUSE, THEMBUZHA,
KOOTTICKAL VILLAGE, KOOTTICKAL P.O., MUNDAKKAYAM, , PIN-686514.**
- 2. ABDUL HUQ (MINOR), AGED 8 YEARS S/O. AJMAL, MADATHIL HOUSE,
THEMBUZHA, KOOTTICKAL VILLAGE, KOOTTICKAL P.O., MUNDAKKAYAM,
REPRESENTED BY HIS MOTHER FATHIMA AJMAL/THE 1ST RESPONDENT HEREIN. ,
PIN -686514.**
- 3. HUSSAIN @ HASSAINAR V.M., AGED 62 YEARS S/O. MOIDEENKUTTY, VILANGIL
HOUSE, YENDAYAR P.O., KOOTTICKAL VILLAGE, MUNDAKKAYAM, , PIN
-686514.**
- 4. HAFSATH W/O. HUSSAIN @ HASSAINAR V.M., VILANGIL HOUSE, YENDAYAR
P.O., KOOTTICKAL VILLAGE, MUNDAKKAYAM, , PIN -686514.**

**This Criminal revision petition coming on for orders, upon perusing
the revision petition and this Court's orders dated 12.12.2025 and
05.01.2026 in Crl.R.P.No.804/2025 and the memo dated 19.01.2026 filed by
Advocate Sri.P.K.IBRAHIM and upon hearing the arguments of M/s.SHAFIK
M.A.,ZAKHIER HUZZAIN for R1, R2 the Court passed the following:**

C. PRATHEEP KUMAR, J

Crl. Rev.Pet. No.804 of 2025

Dated this the 21st day of January, 2026

ORDER

On behalf of _____, it is informed that he has already intimated his client that he had relinquished his vakalath in this case. The counsel, who represented him, sought for time on behalf of the revision petitioner to engage a new lawyer.

2. The counsel who was appearing for the revision petitioner, Adv. _____, filed a memo dated 19.1.2026, relinquishing the vakalath of the revision petitioner. In the said memo, he had raised very serious allegations against this court, in the following words:

“ My accountability to the client directs me not to proceed with this matter with a bench that lost judicial propriety and has least concern for natural justice. Hence, I hereby relinquish my Vakalath leaving this bench to do as it warranted in the facts and circumstances of this case.”

3. BACKGROUND:- The revision petitioner is the husband of the 1st respondent and father of a minor boy aged 8 years. The respondent filed MC. No.57/2020 before the Judicial First Class Magistrate Court-I, Kanjirappally under Section 12 of the Protection of Women from Domestic Violence Act, claiming various reliefs including maintenance. The learned Magistrate directed the revision petitioner to pay maintenance to the

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respondents at the rate of Rs.20,000/- and Rs.15,000/- respectively, which was enhanced to Rs.25,000/- each in appeal. Aggrieved by the said appellate order, he preferred this revision.

4. When the matter came up before this Bench on 12.12.2025, the learned counsel for the respondents pressed for an interim order on the ground that the revision petitioner, who is drawing several lakhs of Rupees as salary from his employment abroad, is not paying any maintenance to his wife and minor child for the last several years and also that an interim stay was obtained by him, in which there was no direction to pay interim maintenance. Accordingly, this Court, on 12.12.2025, passed the following interim order:

“As per order dated 31.7.2025, this Court has passed an interim stay subject to deposit of the entire arrears of maintenance found by the trial court for a period of one year. On 24.10.2025, this Court directed the learned Magistrate to disburse 50% of the amount deposited by the petitioner to the 1st respondent and keep the balance amount until further orders. The 2nd respondent in this revision petition is the minor child of the revision petitioner aged 8 years. According to the learned counsel for the respondents, the 2nd respondent is suffering from various ailments connected with his eye sight and therefore, he prayed for directing the revision petitioner to pay maintenance ordered by the trial court till the disposal of the revision petition.

2. The main grievance of the revision petitioner is against the maintenance payable to the 1st respondent on the ground that the marriage with the 1st respondent was already dissolved. However,

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the above submission was strongly disputed by the learned counsel for the respondents.

3. Therefore, considering the entire facts, the revision petitioner is directed to pay the maintenance ordered by the court below (at the rate of Rs.25,000/- per month) to the 2nd respondent, including arrears, until further orders. Interim stay will continue as against the maintenance ordered in favour of the 1st respondent.

Post on 15.12.2025.”

5. The above order was passed in the presence of the learned counsel for the respondent as well as an associate lawyer of Adv.

. Adv. 1 who had vakalath in the case was insisting for adjourning the matter beyond the period of vacation, on the ground that the senior was engaged in another Bench. Since the learned counsel for the respondents insisted for urgent relief, and the attempt of the counsel for the revision petitioner was to protract the matter, considering the plight of the hapless wife and ailing minor son of the revision petitioner, this court passed the above interim order on 12.12.2025.

6. On the same day, while this court was dealing with another matter, Adv. 1 appeared and submitted that this court passed the above order in spite of the submission made by Smt. , to pass over the matter. In spite of the fact that Adv. 1 had not made such a submission, this court has posted the case on the next working day on 15.12.2025. In the meantime, on behalf of the revision petitioner, Crl.M.A.

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No.4/2025 was filed praying for recalling the order passed by this Court on 12.12.2025. In the affidavit filed in support of the above Crl.M.A, the revision petitioner also claimed that on his behalf, a submission was made to pass-over the matter. Adv. _____ on 8.1.2026 filed an affidavit stating that on 12,12,2025 she made repeated submissions to pass-over the matter and despite the above submission this court proceeded to hear the counsel for the respondent and passed the interim order.

7. Since the entire proceedings of this Court were recorded, this Court verified the recorded proceedings and ensured that no submission was made by Adv. _____, to pass over the matter, as sworn to in the affidavit. When she was warned about the consequences of filing a false affidavit, she thereafter filed another affidavit on 14.1.2026 stating that she could not vouch for certain whether she made such a submission before this Court.

8. Verification of the recorded proceedings of this court dated 12.12.2025 revealed that she had not made any submission to pass over the matter and as such the affidavit dated _____ filed by Adv. _____ on 8.1.2026 is a false affidavit. Since she subsequently filed a further affidavit on 14.1.2026, stating that she was in panic and that she cannot vouch for certain about such a submission, I am not proceeding against her, for filing such a false affidavit.

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9. Even though opportunity was given to Adv. [redacted] to argue the Criminal Revision Petition along with Crl.M.A. No.4/2025 on 15.12.2025 itself, he was not prepared to argue the same and he insisted on recalling the order passed by this court on 12.12.2025, before arguing the Crl. Revision Petition. Even though the learned counsel for the respondents and this Court agreed to keep the order dated 12.12.2025 in abeyance, he was not prepared to argue the revision petition. Instead, he vehemently insisted for hearing Crl.M.A. 4/2025 alone, and for recalling the order dated 12.12.2025. When the above request was turned down by this court, in the open court, he repeatedly declared in loud voice that he lost confidence of this Court and that he is not prepared to argue the matter before this bench. Thereafter, he filed the present memo dated 19.1.2026 relinquishing the vakalath of the revision petitioner and imputing the above referred allegations against this court.

10. From the conduct of the learned counsel, Sri. [redacted] it appeared that he wanted to protract the revision petition, without paying interim maintenance to the respondents. The only endeavor of this court was to render justice to the maximum number of litigants, at the earliest. Now, a learned senior member of the Bar has raised a very serious allegation that this court lost judicial propriety and has least concern for natural justice, just for passing a judicial order. That too, for directing a father to pay interim

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maintenance to his own ailing minor son, until further orders. If there was anything wrong in that order, the best option available for protecting the interest of his client was to argue the criminal revision petition itself.

11. Though this court called upon him to argue the revision petition time and again, without utilising that opportunity, he has raised such a serious allegation against the judge, in person. When such a baseless allegation is raised against this court, it may not be fair on my part to probe into the matter, as no one shall be a judge in his own cause. I honestly believe that the Bar is the best judge of Judges. Therefore, I am leaving this matter to the Bar (as well as to the Bar Council) to decide on the propriety of making those allegations by Advocate Sri. [redacted] and whether or not it amounts to professional misconduct.

12. The Registry is directed to forward a copy of the memo dated 19.1.2026 filed by Advocate Sri. [redacted], along with a copy of this order to the Secretary of the Kerala High Court Bar Association and the Secretary of the Kerala Bar Council.

Since it is reported that the revision petitioner is engaging a new counsel and sought for a period of one week for engaging a new lawyer, I am posting the revision petition for arguments on 30.1.2026.

Sd/-
C. PRATHEEP KUMAR,
JUDGE

sou.