

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Con.Case(C).No. 67 of 2015 (S) IN OP (FC).338/2014

OP (FC) 338/2014 of HIGH COURT OF KERALA DATED 19.8.2014

PETITIONER(S)/RESPONDENT IN OP (FC) NO. 338/2014 :-

BEENA CHARLEY, AGED 33 YEARS
D/O.CHARLEY, BYNA COTTAGE MOONAGODE P.O.
OTTOR VILLAGE CHIRYANKEEZHU, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/PETITIONER IN OP(FC) NO. 338/2014 :-

LIJO THOMAS
S/O.THOMAS
PLAMTHOTTATHIL HOUSE, POONJAR THEKKEKKARA
MEENACHIL KOTTAYAM.

BY ADV. SRI.SHAJI THOMAS
SRI.BINU PAUL
SRI.T.V.VINU
SRI.CHERIAN MATHEW POOTHICOTE

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN
FINALLY HEARD ON 04-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JVT

Con.Case(C).No. 67 of 2015 (S) IN OP (FC).338/2014

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE A1: CERTIFIED COPY OF THE JUDGMENT DATED 19/08/2014
IN OP(FC) NO. 338/2014 PASSED BY THIS HON'BLE COURT.

ANNEXURE A2: TRUE COPY OF THE LEGAL NOTICE ISSUED BY
PETITIONER'S COUNSEL TO RESPONDENT ON 07/01/2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

COC No.67 of 2015

Dated this the 4th day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

This contempt case has been filed in pursuance to the non-compliance of the directions issued by this Court in the judgment dated 19.8.2014 in OP(FC) No.338 of 2014.

2. Learned counsel appearing for the respondent submits that the child namely, Libin Lijo is present in the court. The contempt proceedings were initiated by the petitioner for non-compliance of the judgment dated 19.8.2014.

3. It is submitted by the learned counsel for the petitioner, the mother of the child that as per the judgment, a limited visiting right was granted to the father on the third Saturday of every month between 10.30 a.m. and 4.30 p.m. It is submitted in the contempt application that on 20.12.2014, the child was taken by the father and has not been returned till date.

4. Learned counsel appearing for the respondent - father submits that the child was not returned since the child was not in a position to go with the mother and the respondent - father has filed an interlocutory application before the Family Court and raised various issues, which are under consideration by the

Judge, Family Court.

5. Be that as it may, as per the judgment of this Court dated 19.8.2014, a limited visiting right was granted to the father. However, since the child has been produced today and the learned counsel appearing for the respondent submits that the child can be handed over to the mother, the petitioner today itself during the course of the day, we do not proceed with the contempt application any further. As far as other issues and claims raised by the learned counsel for the respondent, that are not the subject matter of the contempt application and it shall be open for the respondent to pursue in the application before the Family Court or such other forum as the case may be. We further clarify that the visiting right granted to the father as per the judgment of this Court dated 19.8.2014 shall always be available to him.

With this observation, this Contempt Case is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE