

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 24TH DAY OF JUNE 2014/3RD ASHADHA, 1936

Mat.Appeal.No. 318 of 2014 ()

AGAINST THE ORDER IN OP(G&W) 577/2013 of FAMILY COURT,
KOLLAM, DATED 30.12.2013.

APPELLANT(S)/RESPONDENT:

SHAHITHA
D/O.ABDUL LATHEEF, SHAHITHA MANZIL, M.S.NAGAR - 56
KALLUMTHAZHAM, KOLLAM DISTRICT.

BY ADVS.SRI.C.RAJENDRAN
SRI.J.SATHEESH KUMAR
SRI.K.R.RANJITH

RESPONDENT(S)/PETITIONER:

NIYAS
S/O.ABDUL KHARIM, NIYAS MANZIL
CHAVARA BRIDGE P.O., CHAVARA VILLAGE
KOLLAM DISTRICT 691 583.

BY ADV. SRI.V.PHILIP MATHEW

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON
24-06-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.MOHANAN & A.HARIPRASAD, JJ.

Mat.Appeal.No.318 of 2014

Dated this the 24th day of June, 2014.

J U D G M E N T

Mohanan, J.

The respondent in O.P.(G&W) No.577/13 of the Family court, Kollam, approached this Court by filing the above appeal challenging the order dated 30.12.2013 of the court below, by which she was directed to produce and hand over both the children to the petitioner-father, on the first Saturday of every month at 11 a.m. before the court below. As per the above order, the respondent herein, who is the petitioner therein and the father of the children, was permitted to retain the children in his custody and directed to return the children to the respondent-mother on the same day at 5 p.m. before that court itself.

2. Heard Adv.Sri.C.Rajendran, the learned counsel for the appellant and Adv.Sri.V.Philip Mathews, the learned counsel for the respondent.

3. The appellant/respondent approached this Court pointing out the inconvenience in complying with the above direction of the court below, but during the course of argument, the learned counsel for the appellant-mother, it is fairly submitted that the appellant will be satisfied if the order is modified by fixing the time of producing the children, as the last Saturday of every month. The learned counsel for the respondent-father has no much objection in modifying the above order in terms of the submission made by the learned counsel for the appellant.

In the result, this appeal is disposed of by making a slight modification in the impugned order, with respect to the time of producing the children before the court below. Accordingly, the appellant is directed to produce the children in the Family court at Kollam at 11 a.m. on the last Saturday of every month and the respondent-father can retain the children in his custody and return them to the appellant on the same date at 5 p.m. before that court

itself.

Mat.Appeal is disposed of accordingly.

Sd/-
V.K.MOHANAN, Judge

Sd/-
A.HARIPRASAD, Judge

ami/

//True copy//

P.A. to Judge