

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Mat.Appeal.No. 1035 of 2014 ()

**AGAINST THE ORDER IN OA 769/2013 of FAMILY COURT,
KOZHIKODE, DATED 30-10-2014**

APPELLANT(S)/APPELLANT/PETITIONER:

**RASMI AUGUSTIN, AGED 32 YEARS,
D/O.AUGUSTIN, PAIMPALLY HOUSE, KULIRAMMUTTY P.O.,
KODARANJI (VIA),
KOZHIKODE TALUK - 673 604, PRESENTLY RESIDING AT 73,
BURNS STREET, DUNFERM LANE, KY 129 EL,
SCOTLAND U.K.,
(THROUGH THE DULY AUTHORIZED P/A HOLDER SRI MANU MON P.A.,
S/O.AUGUSTIN,
PAIMPILLIL HOUSE, KULIRAMMUTTY P.O., KODARANJI (VIA).,
KOZHIKODE DISTRICT.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

- 1. DEEPU ABRAHAM, AGED 36 YEARS,
S/O.ABRAHAM, VALUMMEL HOUSE, KATTAPPANA P.O.,
IDUKKI - 685 508, PRESENT ADDRESS 14, BREBNER TERRACE,
ABERDEEN, AB 167 HL, SCOTLAND,
U.K.**
- 2. ABRAHAM CHACKO, AGED 62 YEARS,
S/O.CHACKO, VALUMMEL HOUSE, KATTAPPANA P.O.,
IDUKKI - 685 508, (KATTAPPANA PSL).**
- 3. ELSAMMA ABRAHAM, AGED 56 YEARS,
W/O.ABRAHAM, VALUMMEL HOUSE, KATTAPPANA P.O.,
IDUKKI - 685 508.**

R1- R3 BY ADV. SRI.JOBY JACOB PULICKEKUDY

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 05-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**C.K. ABDUL REHIM &
K. RAMAKRISHNAN, JJ.**

Mat. Appeal No.1035 of 2014

Dated this the 5th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

The above appeal has been filed by the petitioner in O.A.No769/2013 on the file of the Family Court, Kozhikode, challenging the order passed by the Family Court, stating that, that court has no jurisdiction to entertain the petition.

2. The O.A. was filed by the petitioner for permanent custody of the child. When the matter was pending, the respondent herein challenged the jurisdiction of that court and that was decided by the court below by the impugned order stating that Family Court, Kattappana, alone has jurisdiction to entertain the petition and the Family Court, Kozhikode, has no jurisdiction to entertain the same and returned the petition for presentation before the Family Court, Kattappana. This order is being challenged by the petitioner.

3. When the appeal came up for hearing today, the counsel for the appellant sought permission to withdraw this

appeal with a right to pursue the matter before the Family Court, Kattappana.

4. Permission is granted and appeal is dismissed as withdrawn. The appellant is granted three more weeks time from today to present petition before the Family Court, Kattappana as directed by the Family Court, Kozhikode, and if any application for interim custody is filed, that can be considered and disposed of by the Family Court, Kattappana, in accordance with law.

With the above observation the appeal is dismissed as withdrawn.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

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P.A. to Judge