

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Mat.Appeal.No. 1164 of 2014 ()

(AGAINST THE ORDER DATED 12.12.2014 IN I.A.No.4610/14 IN
GOP NO.929/12 OF THE FAMILY COURT, ERNAKULAM)

APPELLANT(S)/PETITIONER IN O.P NO.929/2012:

MAHESH, AGED 32 YEARS
S/O.MOHAN, RESIDING AT PADMAVILASAM, 44/652
POOKARAMUKKU, T.D.ROAD, ERNAKULAM.

BY ADVS.SRI.VARGHESE C.KURIAKOSE
SRI.P.J.JOSE
SRI.K.O.MANUEL (KOPRAMB)

RESPONDENT(S)/RESPONDENT IN O.P NO.929/2012:

TAJ @ RANI, AGED 34 YEARS
W/O.MAHESH, RESIDING AT M4/134, INDIRA NAGAR
KADAVANTHRA, ERNAKULAM - 682 020.

BY ADV. SRI.P.P.PRAVEEN
SRI.M.N.SANJITH

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

V.K.MOHANAN & P.D.RAJAN, JJ.

Mat.Appeal.No.1164 of 2014

Dated this the 7th day of January, 2015.

J U D G M E N T

Mohanan, J.

This appeal is directed against the order dated 12.12.2014 in G.O.P.No.929/12 of the Family court, Ernakulam, dissatisfied with the duration in granting custody of the child only for 4 days to the appellant, ie., from 20.12.2014 till 24.12.2014.

2. Heard Sri.C.Varghese Kuriakose, the learned counsel appearing for the appellant and Sri.M.N.Sanjith, the learned counsel appearing for the respondent.

3. The prayer of the appellant/petitioner before the court below in I.A.No.4610/14 in G.O.P.No.929/14 is for the interim custody of the minor girl for the last X' Mas vacation. After having considered the prayer of the appellant and the objection raised by the respondent, the prayer of the petitioner was allowed to the extend of giving

custody of the child for 4 days during day time from 20.12.2014 till 24.12.2014. Now, the counsel for the appellant submitted that the appellant may be permitted to have the custody of the child for two days. We are not inclined to grant any such relief as sought for, since in the I.A. filed before the trial court, the prayer was for the interim custody of the child during the X' Mas vacation only and that period is over. If that be so and if the petitioner is in need of any such relief, he can very well approach the court below by filing proper application.

In the result, this appeal is dismissed and if the appellant wants the interim custody of the child in future, he can very well seek such relief before the court below by filing proper application. We are sure that in case such an application is moved, the said court will consider such application on merit in accordance with law and procedure and will pass appropriate orders.

Appeal dismissed accordingly, however subject to the above observation.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge