

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

MA (EXE.) .No. 3 of 2015 ()

AGAINST THE ORDER DATED 9.4.2015 IN I.A. NO. 1508/2014 IN
O.P. NO. 918/2014 OF THE FAMILY COURT, ATTINGAL.

APPELLANT(S)/APPELLANT/RESPONDENT:

VARADARAJAN NAIR AGED 56 YEARS
S/O.MADHAVAN PILLAI, BINDHU BHAVAN, THOTTATHUVILAKATHU
AVANAVANCHERI, ATTINGAL, THIRUVANANTHAPURAM

BY ADV. SRI.LIJU. M.P

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

1. KALAMALINI
D/O.SANTHAKUMARI, BINDHU BHAVAN, THOTTATHUVILAKATHU
AVANAVANCHERI, ATTINGAL, THIRUVANANTHAPURAM 695101

2. SINDHU NAIR, AGED 25 YEARS
D/O.KALAMALIL, BINDHU BHAVAN, THOTTATHUVILAKATHU
AVANAVANCHERI, ATTINGAL, THIRUVANANTHAPURAM 695101

3. SUNIL KUMAR, AGED 20 YEARS
S/O.KALAMALIL, BINDHU BHAVAN, THOTTATHUVILAKATHU
AVANAVANCHERI, ATTINGAL, THIRUVANANTHAPURAM 695101

R1 -R 3 BY ADV. SMT.PREETHY R. NAIR

THIS MAT APPEAL (EXECUTION) HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
K. HARILAL, JJ.**

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M.A.(Exe.) No. 3 of 2015

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Dated, this the 17th day of September, 2015

JUDGMENT

Ramachandra Menon, J.

Appeal is against the order dated 09.04.2015 in I.A. No. 1508 of 2014 in O.P. No. 918 of 2014, whereby a conditional order of attachment has been passed requiring the appellant to furnish security. The learned counsel for the appellant submits that the appellant had already filed a caveat. It is stated that the impugned order was passed without affording an opportunity of hearing and hence in violation of the relevant provisions of law.

2. Smt. Preethi R. Nair, the learned counsel appearing for the respondents submits that the appeal is not maintainable under Section 19 of the Family Court Act, which clearly holds that appeal shall lie only against judgments or orders, except the orders in interlocutory applications.

3. The learned counsel for the appellant seeks for permission of this Court to withdraw the appeal, without prejudice to the rights and liberties of the appellant to pursue other appropriate proceedings.

4. Permission is granted. The appeal is dismissed as withdrawn. The appellant is permitted to get back the certified copy of the order under challenge, on producing true copy of the same duly attested by the counsel, before the Registry.

sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**

sd/-

**K. HARILAL,
JUDGE**

kmd