

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

OP (FC).No. 4357 of 2012 (R)

AGAINST THE ORDER/JUDGMENT IN OP 2040/2011 of FAMILY COURT,
NEDUMANGAD.

PETITIONER(S):

DEVAPARAKASH, AGED 38 YEARS,
S/O.JOSE PHILIP, KALLADAPARAMBIL HOUSE, KULAMAVU P.O.,
THODUPUZZHA TALUK,
ARAKKULAM VILLAGE, IDUKKI DT., PIN-685 601.

BY ADV. SRI.P.K.RAMKUMAR

RESPONDENT(S):

REMA.V.,
ANANTHARA VEEDU, T.C. 26/1577, SREE VARAHAM,
THIRUVANANTHAPURAM DT., PIN - 695 009.

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 01-07-2015,
ALONG WITH OPFC. 4360/2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

:2:

APPENDIX

PETITIONER(S) EXHIBITS

- | | |
|---------|---|
| E3XT.P1 | TRUE COPY OF THE PETITION DATED 25-12-10 FILED IN O.P NO 2040/11 ON THE FILE OF THE FAMILY COURT, NEDUMANGAD. |
| EXT.P2 | TRUE COPY OF THE AFFIDAVIT DATED 26-05-12 FILED BY THE PETITIONER HEREIN IN I.A 1652/12 IN O.P 2040/11 ON THE FILE OF THE FAMILY COURT, NEDUMANGAD. |
| EXT.P3 | TRUE COPY OF THE COUNTER STATEMENT DATED 21-07-12 FILED BY THE RESPONDENT HEREIN IN I.A 1652/12 IN O.P 2040/11 ON THE FILE OF THE FAMILY COURT, NEDUMANGAD. |
| EXT.P4 | TRUE COPY OF THE ORDER DATED 13-09-12 IN I.A 1652/12 IN O.P 2040/11 ON THE FILE OF THE FAMILY COURT, NEDUMANGAD. |
| EXT.P5 | TRUE COPY OF THE CIRCULAR NUMBER 63882/R.C.3/2010/LSGD DATED 28-02-11. |

RESPONDENTS' EXHIBITS : NIL

//True Copy//

P.A. To Judge

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

O.P.(F.C.)No.4357of 2012 &
O.P.(F.C.)No.4360 of 2012

Dated this the 1st day of July, 2015

JUDGMENT

K. Ramakrishnan, J

O.P.(F.C.)No.4357/2012 was filed by the respondent in the lower court in O.P.No.2040/2011 on the file of the Family Court, Nedumangad, while O.P.(F.C.) No.4360/2012 was filed by the same respondent in O.P.No. 1484/2010 on the file of the same court, challenging the order passed by the Family Court regarding the maintainability of the petition before that court as a preliminary point invoking the power under Article 227 of the Constitution of India.

2. When the applications came up for hearing today, the counsel for the petitioner submitted that in view of the stay granted by this court, disposal of the cases is being delayed. So he wants an early disposal of the case

before the Family court, reserving his right to challenge the finding of maintainability in the appeal to be filed, if the cases went against him.

3. The above submission is recorded and the petitions are dismissed as withdrawn, with the above liberty.

Interim order of stay granted in both these cases are vacated. Considering the fact that the cases are of the year 2010-2011, the Family Court Nedumangad is directed to expedite disposal of the cases as expeditiously as possible.

With the above direction and observation, the petitions are disposed of.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge