

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

OP (FC).No. 7 of 2015 (R)

AGAINST THE JUDGMENT IN I.A.NO.2050/12 IN OP 1150/2012 of
FAMILY COURT, KOLLAM DATED 20.12.12.

PETITIONER(S) :

1. SASEENDRAN PIALLA, AGED 52 YEARS
SREE RAMA VILASAM, MEVANAKONAM CHERRY, ELAMKULAM
KALLUVATHUKKAL, KOLLAM.
2. DIVAKARAN
VASANTHA VILASAM, PAKALKURI, CHIRAYINKEEZHU
THIRUVANANTHAPURAM

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI

RESPONDENT(S) :

1. RADHA V.
N.R.SADANAM, AYIROOR VILLAGE, ELAKAMON P.O.
VARKALA, THIRUVANANTHAPURAM-695310.
2. ARUN S R.(MINOR AGED 7 YEARS)
REPRESENTED BY GRAND MOTHER RADHA V., N R SADANAM
AYIROOR VILLAGE, ELAKAMON P.O., VARKALA
THIRUVANANTHAPURAM-695310.
3. SURESH,
JANARDANA SADANAM, VELAMANOOR P.O., KALLUVATHUKKAL
KOLLAM-691 574.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 7 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1:TRUE COPY OF THE ORDER OF ATTACHMENT DATED 20.12.2012 IN
IA.NO.2050/2012 IN OP.NO.1150/2012 OF THE FAMILY COURT, KOLLAM.

EXHIBIT P2:TRUE COPY OF THE IA.NO.1093/2013 IN OP.NO.1150/2012 FILED
BY THE FIRST PETITIONER DATED 07.04.2013.

EXHIBIT P3: TRUE COPY OF THE IA.NO.4278/2013 IN OP.NO.1150/2012 FILED
BY THE SECOND PETITIONER DATED 23.12.2013.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

O.P.(F.C.)No.7 of 2015

Dated this the 2nd day of February, 2015.

J U D G M E N T

Mohanana, J.

The petitioners have respectively filed I.A.Nos.1093/13 and 4278/13 in O.P.No.1150/12 pending before the Family court, Kollam, for lifting the attachment ordered in I.A.No.2050/12 wherein three items of properties were shown as item nos.1, 2 and 3 in the schedule for attachment. By order dated 20.12.2012 in the above referred I.A., the learned Judge of the Family court ordered attachment before judgment, as evident by Ext.P1. The case of the petitioners is that the petitioners have purchased 5 cents of properties each from the 3rd respondent as per sale deed dated 1.10.2012 and according to the petitioners, it was purchased before Ext.P1 order. As the attachment order had adversely affected the enjoyment and possession of the properties purchased by

the petitioners, they preferred the above I.A. to lift the attachment order. The grievance now projected by the petitioners is that, though the above petitions were filed during the year 2013, the same are not considered and therefore in the above writ petition filed under Article 227 of the Constitution of India it is prayed to issue an order directing the Family court to pass appropriate orders in I.A.Nos.1093/13 and 4278/13 respectively filed by the petitioners in O.P.No.1150/12 as expeditiously as possible within a time limit fixed by this Court.

2. When the above writ petition came up for consideration, we directed the Registry to obtain a report from the Presiding Officer of the Family court, Kollam about the present stage of the above referred I.As. and to state the reason for not disposing the petitions so far and the probable date within which the same can be disposed of. Accordingly, the Registry obtained a report from the learned Judge. We have perused the report dated

24.1.2015 of the learned Judge of the Family court, wherein it is stated that in the above I.As. respondents 1 and 2 had filed objections on 24.4.2014, whereas the 3rd respondent has filed objection on 26.10.2013 in I.A.No.1093/13 only and the same stands posted to 24.2.2015 for the objection of the 3rd respondent in I.A.No.4278/13. The learned Judge has further reported that on filing of objection of the 3rd respondent in I.A.No.4278/13, both the I.As. can be disposed of within 3 months.

3. Having regard to the facts and circumstances involved in the case, as the 3rd respondent has not filed objection in I.A.No.4278/13, this Court will not be justified in directing the court to dispose the matters within a date to be fixed by this Court. In the light of the report of the Presiding officer of Family court, this original petition can be disposed of. Accordingly, the learned Judge of the Family court, Kollam, is directed to dispose of

I.A.Nos.1093/13 and 4278/13 in O.P.No.1150/12 as expeditiously as possible, when the pleadings therein are completed.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge