

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 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

OP (FC).No. 20 of 2015 (R)

PETITIONER(S):

RESHMI S. AGED 22 YEARS
D/O.C.SIVAKUMAR, RAMANATHAPURAM, ALAMBALLAM
KOLLENGODE P.O., CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S):

C.SIVAKUMAR, AGED 51 YEARS
S/O.P.RAMAN NAIR, DWARAKA, PERUVAMBA POST
PALAKKAD DISTRICT.
PIN - 678 005.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC).No. 20 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: TRUE COPY OF THE THE JUDGMENT DT 29-10-2013 PASSED BY
THIS HON'BLE COURT IN MAT. APPEAL NO.798/2011.

P2: TRUE COPY OF THE E.P.NO.23/2014 DATED 19-2-2014
BEFORE THE FAMILY COURT, PALAKKAD.

P3: TRUE COPY OF COUNTER FILED BY RESPONDENT TO EXT.P2
BEFORE THE FAMILY COURT, PALAKKAD.

P4: TRUE COPY OF THE ENGAGEMENT FOR MARRIAGE OF THE PETITIONER.

RESPONDENT(S) ' EXHIBITS

-----: NIL.

TRUE COPY

PA TO JUDGE.

acd

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

O.P.(FC) No.20 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioner herein is the daughter of the respondent and she preferred E.P.No.23/2014 before the Family Court, Palakkad to execute the decree in O.P.No.305/2009, which was confirmed by this Court by judgment dated 29.10.2013 in Mat. Appeal No.798/2011. The grievance now projected by the petitioner is that though Ext.P2 execution petition was filed as early as on 19.2.2014, no steps are taken by the Court below and according to her, the amount due to her as per the above referred decree is absolutely necessary for conducting her marriage, which is scheduled to be held on 4.4.2015. Therefore, it is prayed to direct the Family Court,

Palakkad to consider and pass orders on E.P.No.23/2014 in O.P.No.305/2009 within a time limit that may be fixed by this Court.

2. Heard the learned counsel for the petitioner. Considering the nature of the order by which we propose to dispose of this O.P.(FC), notice to the respondent is dispensed with.

3. The learned counsel for the petitioner, on the strength of Ext.P4 document, submitted that the marriage of the petitioner with one Sajaykumar has already been fixed, which scheduled to be held on 4.4.2015 and therefore, she needs money in connection with the marriage expenses. According to the learned counsel, though the Execution Petition was filed on 19.2.2014, there is no progress.

4. Having regard to the facts and circumstances

involved in this case, especially when the decree in O.P.No.305/2009 became final, by virtue of Ext.P1 judgment of this Court and considering the urgency now projected by the petitioner, we are of the view that it is only just and proper to direct the Court below to expedite the proceedings in Ext.P2, Execution Petition.

In the result, this O.P.(FC) is disposed of directing the learned Judge of the Family Court, Palakkad to expedite the proceedings in E.P.No.23/2014 in O.P.No.305/2009 and dispose of the same as expeditiously as possible, bearing in mind that the marriage of the petitioner is scheduled to be held on 4.4.2015.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

