

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

O.P. (FC).No. 24 of 2015 (R)

PETITIONER/CLAIM PETITIONER:

**HASEENA, AGED 40 YEARS,
D/O.BASHEER, MADATHIL VEEDU,
THONNALLOOR,
PANDALAM VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENTS/DEFENDANTS:

- 1. Y. HALEEMA, AGED 37 YEARS,
D/O.K.YOUSUF, KAIMALA VEEDU, PAYIPPADU ROAD,
MUNDUKOTTACKAL, PAYIPPADU VILLAGE,
CHANGANACHERRY TALUK, FROM KAIMALA VEEDU,
EZHUMATTOOR VILLAGE, EZHUMATTOOR MURI
MALLAPPALLY TALUK - 681 006.**
- 2. BASHEER MANOJMON, AGED 39 YEARS,
S/O.N.M.BASHEER, PADINJARE MYLATHIL VEEDU,
THONNALLOOR MURI, PANDALAM VILLAGE,
PATHANAMTHITTA DISTRICT - 689 641.**
- 3. N.M.BASHEER, AGED 66 YEARS,
S/O.KUNJUMON, PADINJAREMADATHIL VEEDU,
THONNALLOOR MURI, PANDALAM VILLAGE - 689 641.**
- 4. RAHIMA BASHEER,
AGED 61 YEARS, W/O. N.M. BASHEER,
PADINJARE MADATHIL VEEDU,
THONNALLOOR MURI, PANDALAM VILLAGE - 689 641.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.T.O.

O.P. (FC).No. 24 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE CLAIM PETITION EA.NO.14 OF 2014 IN E.P.NO.17
OF 2014 IN OP.NO.283 OF 2011 BEFORE THE FAMILY COURT,
PATHANAMTHITTA.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S.TO JUDGE

St/-

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

O.P.(F.C) No.24 OF 2015

Dated this the 23rd day of January, 2015

JUDGMENT

V.K.Mohanana, J.

The petitioner herein preferred Ext.P1 Claim Petition as E.A.No.14 of 2014 in E.P.No.17 of 2014 in O.P. No.283 of 2011 pending before the Family Court, Pathanamthitta and the grievance now projected by the petitioner is that at the instance of the sister-in-law of the petitioner, the property belong to the petitioner is under attachment and though she approached the court below by filing the Claim Petition but the same being adjourned without passing any order. Therefore, it is prayed to issue a direction to the Family Court, Pathanamthitta to consider and dispose of Ext.P1 Claim Petition i.e., E.A.No.14 of 2014 in a time bound manner, preferably within a time limit to be fixed by this Court.

2. Heard the learned counsel for the petitioner.

3. According to the petitioner, the petitioner is the sister of one Basheer Manojmon, who is the 2nd respondent and the

1st respondent herein is his wife. The marital relationship between the respondents 1 and 2 strained and consequently the 1st respondent herein approached the Family Court by filing O.P.No.283 of 2011 for patrimony and it was allowed as per the judgment and decree dated 30.04.2011 in O.P.No.283/2011. Upon a petition filed by the petitioner in the above O.P., the Family Court attached the property which is the subject matter in the above Execution Petition. Thereafter, a decree was also passed in the O.P. in favour of the petitioner therein and towards executing the judgment and decree in the above O.P., the 1st respondent herein filed E.P.No.17/2014 and thus execution proceedings were initiated. The petitioner herein filed E.A.No.14/2014 in the above execution petition. Since the Claim Petition was filed during the year 2014 and though we are inclined to direct the court to expedite the proceedings, we are of the view that it is not proper on our part to fix a time limit to dispose of the matter.

In the result, this O.P.(FC) is disposed of directing the learned Judge of the Family Court, Pathanamthitta to take up E.A.No.14/2014 in E.P.No.17/2014 in O.P.No.283/2011 and dispose of the same as expeditiously as possible.

The O.P.(FC) is disposed of accordingly.

Sd/-
V.K.MOHANAN
JUDGE

Sd/-
P.D.RAJAN
JUDGE

//true copy//

P.S. To Judge

st/-