

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN
&
THE HONOURABLE MR. JUSTICE K. HARILAL

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

OP (FC).No. 30 of 2015 (R)

FOR A DIRECTION TO THE FAMILY COURT, ERNAKULAM TO TAKE
UP FOR TRIAL AND DISPOSAL OF O.P.NOS. 150/2014, 195/2014 AND
1421/2014 WITHIN A SHORT PERIOD.

PETITIONER:

SHELLY, AGED 44 YEARS
W/O. JOY JOHN, VARIKKASSERY HOUSE
GOLDEN NEST RESIDENTS, INFANT JESUS ROAD,
PERUMPADNNA, NORTH PARUR, PIN 683 513,
ERNAKULAM DISTRICT.

BY ADV. SRI. MVS. NAMBOOTHIRY

RESPONDENT:

JOY JOHN, AGED 52 YEARS,
S/O. JOHN, VARIKKASSERY VEEDU,
MUTHRATHIKKARA, PARAPPUKKARA P.O.,
THRISSUR DISTRICT, 680 310.

BY ADV. SRI. SAKIR. K. H.

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 20-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE MEDICAL CERTIFICATE EVIDENCING THE NATURE OF THE PETITIONER'S DISEASE, DATED 25.7.2013.
- EXHIBIT P2 TRUE COPY OF THE PETITION IN OP.NO.150/2014 BEFORE THE FAMILY COURT, ERNAKULAM, DATED 21.1.2014.
- EXHIBIT P3 TRUE COPY OF THE PETITION IN OP.NO.195/2014 BEFORE THE FAMILY COURT, ERNAKULAM, DATED 27.1.2014.
- EXHIBIT P4 TRUE COPY OF THE PETITION IN OP.NO.1421/2014 BEFORE THE FAMILY COURT, ERNAKULAM, DATED 15.7.2014.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

AHZ/

K.T.SANKARAN & K.HARILAL, JJ.

O.P.(F.C.) No.30 of 2015 (R)

Dated this the 20th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner is the wife of the respondent. Three cases are pending between them before the Family Court, Ernakulam. O.P.No.195 of 2014 is a petition filed by the wife claiming decree for dissolution of marriage and for granting custody of the minor son to her. O.P.No.150 of 2014 was filed by the husband claiming a decree for declaration of title and possession over the petition schedule property and for injunction. O.P.No.1421 of 2014 was filed by the husband claiming a decree for partition of the petition schedule property.

2. The petitioner filed this O.P.(F.C.) for a direction to the Family Court, Ernakulam to dispose of the aforesaid cases within a short period.

3. A Division Bench of this Court directed the Registry to obtain a report from the Family Court as to whether the cases are ripe for trial and within what time the cases can be disposed of.

O.P.(F.C.) No.30 of 2015 (R)

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4. The Presiding Officer of the Family Court, Ernakulam submitted a report, in which it is stated that there are large number of old cases which are ripe for trial and as per the target fixed, cases till 2011 have to be disposed of during the period ending in May, 2015. From the additional report it is clear that counter affidavit was filed in O.P.No.No.1421 of 2014. It is submitted by the learned counsel for the respondent that in O.P.No.195 of 2014 a counter affidavit will be filed within one month. This submission is recorded.

5. Taking into account the facts and circumstances of the case, there will be a direction to the Family Court to dispose of O.P.Nos.195/2014, 150/2014 and 1421/2014 as expeditiously as possible and, at any rate, before 31.12.2015.

The O.P.(F.C.) is disposed of as above.

(K.T.SANKARAN)
Judge

(K. HARILAL)
Judge

ahz/