

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

OP (FC).No. 35 of 2015 (R)

AGAINST THE ORDER DATED 13.1.2015 IN I.A.NO.2422/2014 IN
O.P.NO.251/2013 IN THE FAMILY COURT, IRINJALAKUDA

PETITIONER(S):

CHINNAN @ SUNILKUMAR, AGED 43 YEARS
S/O.ELAYARAMPURAKKAL KRISHNAN
RESIDING AT KOOLIMUTTAM P.O.
THRISSUR DISTRICT-680 691.

BY ADVS.SRI.K.G.BALASUBRAMANIAN
SMT.AMBILY (PREMKUMAR)

RESPONDENT(S):

1. KAVITHA, AGED 39
D/O.MUNDENGATTU DIVAKARAN, KOOLIMUTTAM P.O.
THRISSUR DISTRICT-680 691.
2. MINOR AATHIRA, AGED ABOUT 16
D/O.KAVITHA, REPRESENTED BY HER MOTHER
MUNDENGATTU, KOOLIMUTTAM P.O.
THRISSUR DISTRICT-680 691.
3. MINOR INDRAJITH, AGED ABOUT 8
S/O.KAVITHA, REPRESENTED BY HIS MOTHER
MUNDENGATTU, KOOLIMUTTAM P.O.
THRISSUR DISTRICT-680 691.

R1-R3 BY ADV. SRI.G.SREEKUMAR (CHELUR)

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC).No. 35 of 2015 (R)

APPENDIX

PETITIONER'(S) EXHIBITS :

EXT.P1.TRUE COPY OF IA NO.2422/2014 IN OP NO.251/2013 IN COURT
BELOW.

EXT.P2.TRUE COPY OF COUNTER DATED 5/1/2015 IN -DO-.

EXT.P3.TRUE COPY OF ORDER DATED 13/1/2015 IN IA 2422/2014 AND
WITNESS SCHEDULE IN OP O.251/2013 IN THE COURT BELOW.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A. TO JUDGE

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

O.P.(F.C.) No.35 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

K.T.Sankaran, J.

The Original Petition (F.C.) filed by the respondent in O.P.No.251 of 2013, on the file of the Family Court, Irinjalakuda, challenging the order in I.A.No.2422 of 2014 by which the Family Court allowed the application for amendment of the petition. In the Original Petition, it was stated that the marriage of the first petitioner in the O.P. (first respondent herein) was conducted after availing a loan from Vemballur West Service Co-operative Bank. It is now sought to be corrected as Perinjanam Branch of the Bank. Objection to the application for amendment was that the evidence had already been commenced and some of the witnesses were examined.

The petitioners in the O.P. filed additional witness list. The Family Court allowed the petitioners in the O.P. to examine the witnesses in the additional list of witnesses.

2. On going through the order passed by the Family Court and taking into account the nature of the amendment sought to be introduced, we do not think that the proviso to Rule 17 of Order VI C.P.C. would disable the Family Court from allowing the application. The Family Court thought that for the complete adjudication of the disputes involved in the case, it is necessary to allow the amendment application. We do not find any ground to interfere with the conclusion arrived at by the Family Court.

3. The learned counsel for the petitioner submitted that

the Family Court did not allow the petitioner (respondent in the O.P.) to file an additional counter statement after the amendment which caused much prejudice to him. The petitioner (respondent before the Family Court) is permitted to file additional counter statement on or before 23rd March, 2015. The evidence shall be continued only after 23.3.2015.

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

**K.T.SANKARAN
JUDGE**

**BABU MATHEW P.JOSEPH
JUDGE**

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