

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

OP (FC).No. 46 of 2015 (R)

OP 1405/2013, OP 2044/2013, OP 74/2014 AND OP 1934/2013 PENDING
BEFORE FAMILY COURT, TRIVANDRUM

PETITIONER(S) :

VIKRAMAN NAIR AGED 63 YEARS
S/O. KRISHNAN PILLAI,
TC 50/654(1), UMAMAHESWAEM, KSRA -19,
KULATHARA, KALADI, KARAMANA PO,
THIRUVANANTHAPURAM, PIN 695 002.

BY ADVS.SRI.K.K.BALAKRISHNAN (KODIYURA)
SMT.M.SULEKHA
SRI.K.R.AVINASH (KUNNATH)

RESPONDENT(S) :

1. SHYLAJA E,
D/O. OMANA AMMA, AGED 59 YEARS,
TC 50/654(1),
UMAMAHESWAEAM, KSRA-19,
KULATHARA, KALADI, KARAMANA PO.
THIRUVANANTHAPURAM, NOW RESIDING AT VALIYA VEEDU,
KULATHARA, KALADY,
KARAMANA PO, THIRUVANANTHAPURAM, PIN 695 002.
2. SHINE, AGED 38 YEARS, UNIVERSTIY ASSISTANT,
KERALA UNIVERSITY OFFICE, PALAYAM,
THIRUVANANTHAPURAM- 695 001.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC).No. 46 of 2015 ®

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE AFFIDAVIT AND PETITION IN I.A.NO.2737/14 IN
OP 1405/2013 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM
DATED 11.09.2014.

TRUE COPY

PA TO JUDGE.

acd

K.T.SANKARAN & P.D. RAJAN, JJ.

O.P.(FC)No. 46 of 2015

Dated this the 13th day of February, 2015

JUDGMENT

K.T.Sankaran, J.

In the nature of the reliefs claimed in the O.P., we do not think that it is necessary to issue notice to the respondents. We take all the averments in the O.P. as true and on that basis, we dispose of this O.P.(FC).

2. It is stated that O.P.No.1405/2013 was filed by the petitioner against the respondents for dissolution of marriage. The petitioner also filed O.P.No.2044/2013 against the 1st respondent for injunction and for return of money. It is stated that the 1st respondent filed O.P.No.1934/2013 against the petitioner for return of gold ornaments and money. O.P.No.74/2014 was filed by the 1st

respondent for declaration of title over two items of property. It is stated that all the aforesaid Original Petitions are pending before the Family Court, Thiruvananthapuram. The petitioner states in the Original Petition that O.P.Nos.1405/2013 and 74/2014 are posted for evidence on 16.3.2015. O.P.No.2044/2013 is posted to 13/4/2015 for evidence. It is also stated that O.P.No.1934/2013 is posted to 11.3.2015. The petitioner filed I.A.No.2737/2014 (Ext.P1) in O.P.No.1405/2013 for joint trial of all the cases. The learned counsel for the petitioner submitted that similar applications for joint trial were filed in all the other three cases as well. The reliefs prayed for in this O.P.(FC) are the following:

- "(i) Call for the records relating to OP 1405/2013, OP 2044/2013, OP 74/2014 and OP 1934/2013 of Family Court, Thiruvananthapuram.
- (ii) Recall the order of posting on different dates in OP 1405/2013, OP 2044/2013, OP

74/2014 and OP 1934/2013 issued by Family Court, Thiruvananthapuram.

(iii) Direct the Family Court Thiruvananthapuram to conduct joint trial of OP 1405/2013, OP 2044/2013, OP 74/2014 and OP 1934/2013 by allowing Exhibit P1.

(iv) issue a direction to the Family Court Thiruvananthapuram to hear and dispose the Exhibit P1 at the earliest as far as possible.

(v) grant such other reliefs as this Hon'ble Court may deem fit and proper as on the facts and circumstances of the case."

3. In the facts and circumstances, there will be a direction to the Family Court, Thiruvananthapuram to consider and dispose of I.A.No.2737/2014 in O.P.No.1405/2013 and other applications for joint trial at the earliest, after affording an opportunity of being heard to both parties. The application for joint trial shall be disposed of before any of the four cases is taken up for trial. It is made clear that we have not expressed any view as to whether the aforesaid four cases can be jointly tried or not.

4. The petitioner shall produce certified copy of the judgment before the Family Court, Thiruvananthapuram and he shall serve a true copy of the same on the learned counsel appearing for the opposite side and file a memo to that effect before the Family Court.

O.P.(FC) is disposed of as above.

K.T.SANKARAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

