

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

OP (FC).No. 50 of 2015 (R)

AGAINST THE ORDER IN OP 744/2012 of FAMILY COURT, PALAKKAD
DATED 30.06.2012

PETITIONER / 3rd RESPONDENT / 3rd RESPONDENT : -

THRESSIAMMA, AGED 54 YEARS,
W/O.JOSEPH MATHEW, CHELLAMKOTTU VEEDU,
MERY LAND VALLEY, VADAKKANCHERRY P.O,
PALAKKAD 678 683.

BY ADV.SRI.SOBHAN GEORGE

RESPONDENTS / PETITIONER/ 1st & 2nd RESPONDENTS : -

1. VINCY SEBASTIAN, AGED 31 YEARS,
D/O.SEBASTIAN, VATTALIL VEEDU, KOONNACHAL POST,
PANTHALLUR TALUK, NEELAGIRI, TAMIL NADU 643 239.
2. PRAVEEN MATHEW, AGED 33 YEARS,
SON OF JOSEPH MATHEW, CHELLAMKOTTU VEEDU,
MERY LAND VALLEY, VADAKKANCHERRY P.O, PALAKKAD 678 683.
3. JOSEPH MATHEW, AGED 61 YEARS,
S/O.MATHEW, CHELLAMKODTTU VEEDU, MERY LAND VALLEY,
VADAKKANCHERRY P.O, PALAKKAD 678 683.

R2 & 3 BY ADV.SRI.CARLTON THOMAS

R1 BY ADV.SRI.T.V.GEORGE

R1 BY ADV.SRI.JIMMY GEORGE (THADATHIL)

BY GOVERNMENT PLEADER SRI. JOBY JOSEPH

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 50 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P1 : TRUE COPY OF O.P NO 744/2012 DATED 30-06-2012 ON THE FILE OF THE FAMILY COURT, PALAKKAD.
- EXT.P2 : TRUE COPY OF OBJECTION IN O.P NO 744/2012 DATED 5-11-2013 ON THE FILE OF THE FAMILY COURT, PALAKKAD.
- EXT.P3 : TRUE COPY OF INTERLOCUTORY APPLICATION No. 1339/2012 DATED 30-06-2012 ON THE FILE OF THE FAMILY COURT, PALAKKAD.
- EXT.P4 : TRUE COPY OF COUNTERE DATED 28-07-2012 TO THE I.A NO 1339/2012 ON THE FILE OF FAMILY COURT, PALAKKAD.
- EXT.P5 : TRUE COPY OF THE ORDER DATED 30-06-2012 IN I.A No. 1339/2012 PASSED BY HON'BLE FAMILY COURT, PALAKKAD.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

**C.K. ABDUL REHIM
&
K. RAMAKRISHNAN, JJ.**

O.P. (F.C.) No. 50 of 2015

Dated this the 25th day of June, 2015

JUDGMENT

K. Ramakrishnan, J.

The third respondent in I.A. No. 1339/2012 in O.P. No.744/2012 on the file of the Family Court, Palakkad, has filed this application challenging Exhibit P5 order invoking the supervisory jurisdiction under Article 227 of the Constitution of India.

2. It is alleged in the petition that petitioner is the third respondent in O.P. No.744/2012 filed by the first respondent herein against the petitioner and respondents 2 and 3 for return of gold ornaments, money and other reliefs. Along with the main Original Petition, she filed I.A. No. 1339/2012 for attachment of the petition schedule properties and the Court below had earlier ordered notice only in that application. When the respondents appeared, the Court below passed an interim order directing the respondents to furnish security for Rs.55,65,340/- and also

show cause why the property cannot be attached and also passed a conditional attachment in the meantime. The grievance of the petitioner is that the property was not attached and even after two years, though objection was filed no final order has been passed in that application, that prompted him to file an application before this Court seeking the following reliefs.

- "a) Call for the records leading to Exhibit P5 order along with I.A. No. 1339/2012 in O.P. No. 744/2012 on the file of the Family Court, Palakkad; and setting aside the Exhibit P5 order for attachment ordered on the petitioners property;
- b) Issue a direction to the learned Family Court, Palakkad to give an opportunity to prove her contention, in Exhibit P3 petition and to decide the petition on merit.
- c) Direct the Family Court, to stop further proceedings in I.A. No. 1339/2012 in O.P. No. 744/2012 till the disposal of the above Original Petition.
- d) Issue such other orders as are deemed fit and proper in the circumstances of the case."

2. Heard the learned counsel for the petitioner and the learned counsels for the respondents.

3. The grievance of the petitioner cannot be said to be not genuine. So, considering the circumstances, we feel that directing the Family Court to consider the objection filed by the respondents in the above application and dispose of the application in accordance with law will be sufficient to meet the ends of justice. So, the petition is disposed of, directing the Family Court, Palakkad, to dispose of I.A. No. 1339/2012 pending before that Court, after hearing both sides and considering the objections raised by the respondents in the application as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

With the above direction/observation, the petition is disposed of.

Office is directed to communicate this order to the concerned Court immediately.

C.K. ABDUL REHIM
JUDGE

K. RAMAKRISHNAN
JUDGE

DMR/-