

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE A.VRAMAKRISHNA PILLAI**

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

OP (FC). No.54 of 2015 (R)

PETITIONER(S)/PETITIONER:

**SATHEESAN, AGED 43 YEARS,
S/O. KUTTIKRISHNAN NAIR, KUNDAVARA HOUSE,
CHIYYARAM P.O., THRISSUR DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S)RESPONDENT:

**SREEKALA, D/O. MOHANAN PILLAI,
PALISSERY HOUSE, VELUTHUR,
KUNNATHANGADI P.O., THRISSUR DISTRICT-680001.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 19-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (FC). No.54 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS:-

P1:- COPY OF THE PETITION IN OP NO.1383 OF 2010 ON THE FILES OF FAMILY COURT, THRISSUR.

P2:- COPY OF THE MEDIATION AGREEMENT ARRIVED AT I.A. NO.2510 OF 2010 IN O.P NO.1383 OF 2010 ON THE FILES OF THE FAMILY COURT, THRISSUR.

P3:- COPY OF THE PETITION IN G.O.P NO.986 OF 2014 ON THE FILES OF FAMILY COURT, THRISSUR.

P4:- COPY OF THE I.A NO.2320 OF 2014 IN G.O.P NO.986 OF 2014 ON THE FILES OF FAMILY COURT, THRISSUR.

P5:- COPY OF THE COUNTER IN I.A NO.2320 OF 2014 IN G.O.P NO.986 OF 2014 ON THE FILES OF THE FAMILY COURT, THRISSUR.

RESPONDENT'S EXHIBITS:- NIL

KRJ

/True Copy/

P.A to Judge

V.K.MOHANAN
&
A.V.RAMAKRISHNA PILLAI, JJ.
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O.P(FC) NO.54 of 2015
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Dated this the 19th day of February, 2015

JUDGMENT

Ramakrishna Pillai, J.

The petitioner in the G.O.P No.986 of 2014 on the files of the Family Court, Thrissur is before us with this original petition.

2. The petitioner alleges that the marriage between the petitioner and the respondent was solemnised on 16.1.2005 and a son was born in that wedlock on 4.9.2006. Later, difference of opinion arose between the petitioner and the respondent and they ultimately decided to desolve the marriage. Accordingly, the petitioner filed petitioner under Section 13(B) of the Hindu Marriage Act and the marriage is dissolved.

3. The parties entered into an agreement regarding the custody of the minor child and both the petitioner and the respondent filed petition to modify the agreement, and the matter was sent for mediation.

4. The petitioner further points out that the petitioner and the respondent agreed that the petitioner could take the child from the school in the evening of Friday preceding the second Saturday and that he should bring the child to the school during the morning of the succeeding Monday. It was also agreed that during the summer vacation, the petitioner should have the custody of the child for 12 days in the month of April and 12 days in the month of May.

5. The petitioner alleges that from April onwards the respondent had refused to hand over the custody of the minor child to the petitioner. It is with this background, the petitioner has had approached the Family Court with guardian O.P.

6. The present grievance of the petitioner is that I.A No.2320 of 2014 for interim custody of the child is kept pending without issuing any orders by the Family Court.

7. We have heard the learned counsel for the petitioner and perused the exhibits placed on board.

8. Having considered the submissions, we are of the view that a direction can be issued to the Family court to consider and pass

appropriate orders on the aforesaid I.A as expeditiously as possible, after affording both sides an opportunity of being heard. We do so.

The original petition is disposed of accordingly.

Sd/-
V.K.MOHANAN
JUDGE

sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj