

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.T. SANKARAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P. JOSEPH

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

OP (FC).No. 55 of 2015 (R)

IN M.C.34/2013, OP.NO.747/2013, OP.NO.798/2013, OP(G&W) NO.225/2014 AND
OP.NO.326/2014 PENDING BEFORE THE FAMILY COURT, TIRUR

PETITIONER:

BABU SHAHEER, AGED 30 YEARS
S/O. HAMSA, KALLARACKAL HOUSE, EZHUVATHIRUTHI AMSOM
DESO, MAN HOUSING COLONY, PONNANI (P.O.)
MALAPPURAM DISTRICT, (PONNANI POLICE STATION LIMIT).

BY ADVS. SRI.M.I. JOHNSON
SRI.T.K. MOIDEEN KUTTY

RESPONDENT:

FEBILA V.E.A., AGED 26 YEARS
D/O. MOHAMMED KUTTY
VADAKKE IDIVETTIYAKATH AZHAKINIYIL HOUSE
EAST ARIKANCHIRA, PARAVANNA P.O., TIRUR TALUK
MALAPPURAM DISTRICT. (TIRUR POLICE STATION LIMIT)
PIN-676 101.

BY ADV. SRI.C.M. MOHAMMED IQBAL

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
12.03.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

- EXT P1: TRUE COPY OF THE PETITION FILED IN MC 34/2013 FILED BEFORE
THE FAMILY COURT, TIRUR.
- EXT P2: TRUE COPY OF THE PETITION FILED IN OP 747/2013 FILED BEFORE
THE FAMILY COURT, TIRUR.
- EXT P3: TRUE COPY OF THE PETITION FILED IN OP 798/2013 FILED BEFORE
THE FAMILY COURT, TIRUR.
- EXT P4: TRUE COPY OF THE PETITION FILED IN OP(G&W) 225/2013 FILED
BEFORE THE FAMILY COURT, TIRUR.
- EXT P5: TRUE COPY OF THE PETITION FILED IN OP 326/2013 FILED BEFORE
THE FAMILY COURT, TIRUR.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

AHZ/

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

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Dated this the 12th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner is the husband of the respondent. Five cases between them are pending before the Family Court, Tirur. M.C.No.34 of 2013 filed by the respondent for maintenance, O.P.No.747 of 2013 filed by the wife for return of ornaments, O.P.No.326 of 2014 filed by the wife for dissolution of marriage, O.P.No.798 of 2013 filed by the husband for restitution of conjugal rights and O.P.(G&W) No.225 of 2014 filed by the husband for custody of the child are those five cases.

2. It is submitted that the husband has not filed counter statement in the three cases filed by the wife and the wife has not filed counter statement in O.P.No.798 of 2013 filed by the husband for restitution of conjugal rights. It is submitted that the cases were

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referred for mega adalath on 6.12.2014 but the cases were not settled.

3. This Original Petition (Family Court) is filed by the husband for the following reliefs:

- “(i) Issue appropriate writ, direction or order directing the Family Court, Tirur, to keep the proceedings of taking evidence in MC 34/2013, OP 747/2013, OP 798/2013, OP(G&W) 225/2014 and OP 326/2014, pending before it in abeyance till confirming the possibility of settlement between the parties and before giving chance to the petitioner to file the written statements and counter in the above matters.
- (ii) Grant such other reliefs, which the Honourable Court deems, fit and proper in the facts and circumstances of the case.”

4. In the facts and circumstances, we are of the view that the Original Petition (Family Court) can be disposed of with the following directions: Both parties will be permitted to file counter statement in the cases in which they are respectively the respondents, on or before 5.4.2015. The cases will be taken up for trial by the Family

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Court only thereafter. No request for adjournment or further time to file counter will be entertained by the Family Court. The Family Court will dispose of all the five cases as expeditiously as possible.

The Original Petition (Family Court) is disposed of with the above directions.

(K.T.SANKARAN)
Judge

(BABU MATHEW P. JOSEPH)
Judge

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