

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

OP (FC).No. 66 of 2015 (R)

I.A.NO.806/2015 IN GOP 357/2012 of FAMILY COURT,
THRISSUR

PETITIONER(S):

1. JAMEELA AGED 54 YEARS
W/O. PUTHUVEETIL THOTTAPPIL SHAHU
MANATHALA AMSOM DESOM, CHAVAKKAD TALUK, CHAVAKKAD PO
THRISSUR680 506
2. SHABINA,
D/O. PUTHUVEETIL THOTTAPPIL SHAHU
MANATHALA AMSOM DESOM, CHAVAKKAD TALUK, CHAVAKKAD PO
THRISSUR680 506
3. SHAHINA,
D/O.PUTHUVEETIL THOTTAPPIL SHAHU
MANATHALA AMSOM DESOM, CHAVAKKAD TALUK, CHAVAKKAD PO
THRISSUR 680 506, NOW RESIDING IN U A E
REP. BY HER POWER OF ATTORNEY HOLDER SHAHU
PUTHUVEETIL THOTTAPPIL HOUSE, MANATHALA AMSOM DESOM
CHAVAKKAD PO, THRISSUR 680 506

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. IRSHAD ALI, AGED 33 YEARS
MAMMSRAYILLATH ALI, PADOOR AMSOM, VENKITANGU VILLAGE
CHAVAKKAD TALUK, PADOOR PO, THRISSUR
REP.BY HIS POWER OF ATTORNEY HOLDER SHEREEFA
W/O. MAMMSRAYILLATH ALI, PADOOR DESOM, VENKITANGU VILLAGE
CHAVAKKAD TALUK, PADOOR PO, THRISSUR 680001
2. SHEREEFA,, AGED 58 YEARS
MAMMSRAYILLATH ALI, PADOOR VENKITANGU VILLAGE
CHAVAKKAD TALUK, PADOOR PO, THRISSUR 680001

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
11-03-2015:, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:, THE COURT ON THE SAME DAY DELIVERED THE

OP (FC).No. 66 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: A TRUE COPY OF THE GO P NO.357 OF 2012 DATED 13.2.2012 ON THE
FILE OF THE FAMILY COURT, THRISSUR

EXT.P2: A TRUE COPY OF THE IA NO. 806 IF 2015 IN GO P NO. 357 OF
2012 DATED 21.2.2015 ON THE FILE OF THE FAMLY COURT,THRISSUR

EXT.P3: A TRUE COPY OF THE JUDGMENT IN WPC NO.740 OF 2012 DATED
21.5.2012 OF THIS HONOURABLE COURT.

EXT.P4: A TRUE COPY OF THE APPLICATION AS IA NO.NO.1203 OF 2013 IN
EXT.P1 AND OTHER PROCEEDINGS DATED 07.2.2015 BEFORE THE
FAMILY COURT, THRISSUR

RESPONDENT(S) ' EXHIBITS
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NIL.

TRUE COPY

PA TO JUDGE.

acd

V.K. MOHANAN & P.D. RAJAN, JJ.

O.P.(FC)No. 66 of 2015

Dated this the 11th day of March, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioners herein are the respondents in G.O.P.No.357/2012 on the file of the Family Court, Thrissur and they were set ex parte. Present grievance projected by the petitioners is that though they have filed an application i.e, I.A.No.806/2015, which is marked as Ext.P2, to set aside the ex parte order, the Court below is going to record ex parte evidence. Therefore, it is prayed to issue an appropriate writ order or direction commanding the Family Court, Thrissur to consider Ext.P2 and to determine the same within specified time limit and only thereafter to proceed further in the proceedings in Ext.P1.

2. Heard the learned counsel for the petitioner.

3. When the above O.P.(FC) came up for consideration, by order dated 25.2.2015, we sought for a report from the Presiding Officer of the Family Court, Thrissur about the allegations raised in the above O.P.(FC) and particularly directed to report as to why Ext.P2, i.e., I.A.No.806/2015 is not considered. Consequently, it is reported that the above I.A. was filed only on 21.2.2015 and at the request of the petitioners in the main matter, i.e, the respondents in the above I.A. posted the matter for counter and hearing for the respondents on 24.3.2015. So, the above I.A. stands posted on 24.3.2015 for the counter of the respondents therein. Without going through the Court proceedings, the present O.P.(FC) is filed stating that while Ext.P2 petition is pending, the Court is taking hasty steps to record the ex parte

evidence.

The above allegation and apprehension are baseless, in view of the report of the Presiding Officer of the Family Court, Thrissur. Thus, we find absolutely no merit in this O.P.(FC) and accordingly, the same stands dismissed.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

