

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

OP (FC).No. 70 of 2015 (R)

AGAINST THE ORDERIN OP 445/2006 of FAMILY COURT, KOTTARAKKARA

PETITIONER:

N.ANILA,
AGED 36 YEARS, D/O.NALENAKSHI, SASIVILASAM VEEDU
AREEYKKAL, ARPLACHI P.O., ANCHAL
KOLLAM DISTRICT.

BY ADVS.SRI.MANOJ RAMASWAMY
SMT.SANJANA R.NAIR
SMT.V.SREEJA

RESPONDENTS:

1. BINU G.
S/O.GOPALAKRISHNAN, BINU VILASOM, NETTAYAM
NEDIYARA P.O, EROOR, PATHANAPURAM
KOLLAM DISTRICT-691 306.
2. RADHAMONY
W/O.GOPALAKRISHNAN, BINU VILASOM, NETTAYAM
NEDIYARA P.O, EROOR, PATHANAPURAM
KOLLAM DISTRICT-691 306.
3. GANGADHARAN @ GOPALAKRISHNAN
BINU VILASOM, NETTAYAM, NEDIYARA P.O
EROOR, PATHANAPURAM, KOLLAM DISTRICT-691 306.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 70 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- TRUE COPY OF THE DECREE IN OP NO.445 OF 2006 DATED 22.08.2008
OF THE FAMILY COURT, KOTTARAKKARA.

EXT.P2- TRUE COPY OF THE ORDER IN OP NO.445 OF 2006 DATED 22.08.2008
OF THE FAMILY COURT, KOTTARAKKARA

EXT.P3- TRUE COPY OF THE EXECUTION PETITION FILED IN EP NO.34 OF 2013.

RESPONDENT(S)' EXHIBITS

nil

ks.

TRUE COPY

P.S.(HR.GR)TO JUDGE

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

=====

O.P.(FC) No. 70 of 2015

=====

Dated this the 17th day of March, 2015

JUDGMENT

K.T. Sankaran, J.

The petitioner filed O.P. No. 445 of 2006 on the file of the Family Court, Kottarakkara for recovery of money and gold ornaments from the respondents. The original petition was decreed in part as against the first respondent on 22.8.2008. The petitioner filed E.P.No.34 of 2013 to realise the decree amount of ₹7,71,500/-. In the O.P.(FC), the petitioner has averred the following:

“4.It is submitted that, on 17.01.2014 the above E.P.was posted for return of notice. On 12.03.2014 and 09.05.2014 as there was no sitting, the case was adjourned. On 10.06.2014, the decree holder was present and the judgment debtor was absent. On 29.07.2014 the petitioner herein was

present and the 1st respondent prayed time for filing objection. On 18.09.2014 the case was not taken up as it was a holiday. On 28.10.2014, 30.10.2014, 06.12.2014, 19.12.2014 and on 23.01.2015 no effective steps were taken by the Family Court for the execution of the Decree in favour of the petitioner and now the case stands further adjourned.

5. It is submitted that the petitioner herein is a labourer in a cashew factory and now residing with her aged mother and only daughter studying in class VIII. The petitioner's life is made totally miserable by the 1st respondent on account of his indifference, even though the petitioner had obtained a decree in her favour. The petitioner could not meet her livelihood and that of her daughter because of the pendency of the Execution Petition at Exhibit P3 before the Hon'ble Family Court, Kottarakkara."

2. When the O.P.(FC) came up for admission, the Registry was directed to obtain a report from the Presiding Officer of the Family Court. A report dated 5.3.2015 was sent by the Presiding Officer of the Family Court in which it is stated that the E.P. was referred for the National Mega Adalat on 14.3.2015 and for a pre-settlement on 4.3.2014.

The case is posted for further steps to 20.4.2015. It is stated in the report that the disposal of the E.P. would depend upon further steps to be taken by the decree holder.

In the facts and circumstances, there will be a direction to the Family Court, Kottarakkara to expedite disposal of E.P. No. 34 of 2013. The petitioner shall take all necessary steps within time. She shall produce the certified copy of this judgment before the Family Court and she shall serve a true copy of the same to the learned counsel appearing for the respondents before the Family Court and shall produce proof of the same before the Family Court.

The O.P.(FC) is disposed of accordingly.

**Sd/-
K.T. SANKARAN
JUDGE**

**Sd/-
BABU MATHEW P. JOSEPH
JUDGE**

ks
True copy

P.S. (Hr.Gr.)To Judge