

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

OP (FC).No.75 of 2015 (R)

PETITIONER/RESPONDENT:

CHERIYAMU HAJI, AGED 74 YEARS
S/O.MARAKKAR, PALATHINKAL CHOLAYIL HOUSE
THRIKKANNAPURAM P.O., KUTTIPURAM
MALAPPURAM - 679 573.

BY ADVS. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.SEBIN THOMAS
SRI.VISHNU BHUVANENDRAN

RESPONDENT/PETITIONER:

IYYATHUTTY, AGED 64 YEARS
W/O.CHERIYAMU HAJI, ANTHOORVALAPPIL HOUSE
THRIKANAPPURAM, KUTTIPURAM,
MALAPPURAM DISTRICT - 679 573.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 75 of 2015 (R)

APPENDIX

PETITIONER's EXHIBITS

EXT.P1: TRUE COPY OF THE O.P.NO. 315/2013 FILED BY THE RESPONDENT WIFE
BEFORE THE FAMILY COURT TIRUR.

EXT.P2: TRUE COPY OF ORDER DATED 24/01/2015 IN I.A.NO. 1803/2014 IN
O.P.NO. 315/2013 BEFORE THE FAMILY COURT, TIRUR.

EXT.P3: TRUE COPY OF THE MEDICAL CERTIFICATE DATED 23/09/2014.

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

O. P. (F.C.) No.75 of 2015

Dated this the 2nd day of March, 2015

JUDGMENT

K. T. Sankaran, J.

The petitioner is the respondent in O.P. No.315 of 2013 on the file of the Family Court, Tirur. The Original Petition was filed for realisation of past maintenance and for value of gold ornaments allegedly misappropriated by the petitioner/ husband. The trial of the case commenced and the evidence on the side of the petitioner in the Original Petition was over. At that juncture, respondent in O.P. (petitioner herein) filed I.A. No.1803 of 2014 to produce documents. The Family Court rejected that application as per the order dated 24/01/2015 on the ground that there is no valid explanation for not producing the documents before commencement of the trial. The order dated 24th January, 2015 is under challenge in this O.P.(FC).

2. We have gone through the averments in I.A. No.1803 of 2014, copy of which was handed over to us for perusal. We have also gone through copies of the documents which are sought to be produced. We do not think that the court below committed any error in dismissing the application. No interference is called for. O.P.(FC) is accordingly, dismissed.

Sd/-
K. T. SANKARAN
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE