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 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

OP (FC).No. 76 of 2015 (R)

PETITIONERS/PETITIONERS:
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1. **CHANDRAMATHI AGED 48 YEARS**
   D/O. JANAKI, RESIDING AT T.C.NO.43/269, LEELA BHAVAN
   ERA-55, THOTTAM, MANACAUD P.O.
   MUTTATHARA VILLAGE, THIRUVANANTHAPURAM-695001
   NOW RESIDING AT KOOTUMALA, VAYALA P.O.
   KOTTAYAM-686587.

2. **VINAYAK KUMAR AGED 15 YEARS**
   S/O SASIKUMAR
   REPRESENTED BY IST PETITIONER WHO IS THE
   MOTHER GUARDIAN AND NEXT FRIEND
   RESIDING AT T.C.NO.43/269, LEELA BHAVAN, ERA-55
   THOTTAM, MANACAUD P.O., MUTTATHARA VILLAGE
   THIRUVANANTHAPURAM-695001, NOW RESIDING AT KOOTUMALA
   VAYALA P.O., KOTTAYAM-686587.

3. **KAILAS KUMAR AGED 12 YEARS**
   S/O SASIKUMAR
   REPRESENTED BY IST PETITIONER WHO IS THE
   MOTHER GUARDIAN AND NEXT FRIEND
   RESIDING AT T.C.NO.43/269, LEELA BHAVAN, ERA-55
   THOTTAM, MANACAUD P.O., MUTTATHARA VILLAGE
   THIRUVANANTHAPURAM-695001, NOW RESIDING AT KOOTUMALA
   VAYALA P.O., KOTTAYAM-686587.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S)/COUNTER PETITIONER:

SASIKUMAR, AGED 54 YEARS,
S/O GOPALAN, RESIDING AT T.C.NO.43/269, LEELA BHAVAN
ERA-55, THOTTAM, MANACAUD P.O.
MUTTATHARA VILLAGE, THIRUVANANTHAPURAM-695001.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 76 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE JUDGMENT DATED 31.10.2013 IN O.P.NO.1829/2011.

EXHIBIT P2: TRUE COPY OF THE FORM OF EXECUTION OF DECREE IN O.P.NO.1829/2011 FILED AS E.P.NO.34/2014.

EXHIBIT P3: TRUE COPY OF THE MEMORANDUM OF O.P(CRL) NO.275/2014.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN O.P.(CRL.) NO.275/2014 DATED 17.12.2014.

RESPONDENT(S)' EXHIBITS
----------: NIL.

TRUE COPY

PS TO JUDGE.

acd

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

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O.P(FC) No.76 of 2015

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Dated 4th March 2015

JUDGMENT

V.K.MOHANAN, J

The petitioner is the decree holder and her grievance is that though Ext.P2 petition was filed, the matter is being protracted at the instance of the respondent. Therefore, it is prayed to issue direction to the Family Court, Thiruvananthapuram to ensure production of respondent before the said Court in E.P.No.34 of 2014.

2. Heard learned counsel for the petitioner. It appears that the judgment in question was pronounced on 31.10.2013 and E.P was filed during the year 2014 and though Ext.P2 is produced along with the this OP, the date on which the same was filed is not discernible. Learned counsel for the petitioner submitted that notice against the judgment debtor was ordered on 15.10.2014. After issuing notice, it appears that only three months are over. In the absence of any other material, this court cannot come to the conclusion that the proceedings

in the execution petition are protracted. It is for the Family Court, Thiruvananthapuram to take appropriate steps in the execution proceedings and to see that the decree is executed without delay. Subject to the above observation, this original petition is disposed of.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

lgk