

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. 88 of 2015 (R)

AGAINST THE ORDER IN Cr1.M.P.681/13 IN M.C.NO.206/13 DATED 17.1.2015

PETITIONER(S)/RESPONDENT:

K.A. VINOJ AGED 47 YEARS
S/O.VELLAPPAN, SREEVATHSAM, MUDAPPALLUR
ALATHUR, PALAKKAD.

BY ADVS.SRI.A.R.GANGADAS
SRI.M.L.SURESH KUMAR

RESPONDENT(S)/PETITIONER:

SABEENA VINOJ, AGED 42 YEARS
W/O.V.VINOJ, CHORAKKODU HOUSE, PWD OFFICE ROAD
CHITTOOR, PALAKKAD - 678 001.

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

OP (FC).No. 88 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: THE CERTIFIED COPY OF THE CRL.M.P.681/2013 IN M.C.NO.
206/2013 OF FAMILY COURT, PALAKKAD WITH COURT PROCEEDINGS DATED
17/01/2015.

EXT.P2: THE TYPED COPY OF THE ORDER DATED 17/01/2015 IN
CRL.M.P.681/2013 IN M.C. 206/2013 OF FAMILY COURT, PALAKKAD.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

O.P.(F.C.)No.88 of 2015

Dated this the 11th day of March, 2015.

J U D G M E N T

Mohanan, J.

The petitioner, who is the respondent in Crl.M.P.No.681/13 and also the respondent in M.C.No.206/13 of the Family court, Palakkad, preferred the above original petition with a prayer to set aside the order dated 17.1.2015 in Crl.M.P.No.681/13 in M.C.No.206/13.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the amount fixed in the impugned order is exorbitant and arbitrary. Ext.P2 is the proceedings of the court below by which the Family court, Palakkad, allowed Crl.M.P.No.681/13 in M.C.No.206/13. From the above proceedings, it appears that the petitioner failed to file

counter affidavit in Crl.M.P.No.681/13 in M.C.No.206/13 and the request seeking time to file counter affidavit is seen rejected. On a perusal of Ext.P1 proceedings, it appears that Crl.M.P.No.681/13 was filed as early as on 6.7.2013 and till Ext.P2 order, no counter is filed. Thus it can be seen that the petitioner has miserably failed in contesting the matter before the court below by filing counter or by producing any material against the reliefs sought for in Crl.M.P.No.681/13. Therefore, we find no reason to interfere with the impugned order and to entertain this original petition. As this Court is not inclined to admit the above original petition, the learned counsel for the petitioner submitted that the court below may be directed to dispose of M.C.No.206/13 at the earliest.

4. Having regard to the facts and circumstances involved in the case and as we are not inclined to interfere with the order dated 17.1.2015 in Crl.M.P.No.681/13 in M.C.No.206/13, we are of the view that, accepting the request of the learned counsel appearing for the petitioner

the Family court, Palakkad, can be directed to dispose of M.C.No.206/13.

In the result, this original petition is disposed of confirming the order dated 17.1.2015 in Crl.M.P.No.681/13 in M.C.No.206/13. However we direct the Family court, Palakkad, to expedite the proceedings in M.C.No.206/13 and the parties are directed to co-operate with the proceedings of the court below. Since the matter pertained to the year 2013, the learned Judge of the Family court, Palakkad, is directed to dispose of M.C.No.206/13 in accordance with law and procedure, as expeditiously as possible @ within a period of 6 months from the date of producing a copy of this judgment before the said court.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge