

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. 92 of 2015 (R)

AGAINST THE ORDER IN I.A.412/2015 IN GOP 202/2014 OF FAMILY COURT,
IRINJALAKUDA DATED 11-03-2015

PETITIONER(S):

SUBEESH, S/O.SIVARAMAN AGED 37 YEARS
PERINJERY PALLATH HOUSE
VARANTHARAPPILLY DESOM, VARANTHARAPPILLY VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.N.L.BITTO
SRI.K.R.ARUN KRISHNAN

RESPONDENT(S):

SMITHA, D/O.DINESH, AGED 34 YEARS
THARAYIL HOUSE NO.9, 4TH CROSS, LAKSHMI ROAD
SHANTHI NAGAR, BANGALORE
PRESENTLY RESIDING AT THARAYIL HOUSE
KOORKKANJERY DESOM
KOORKKANJERY VILLAGE, THRISSUR TALUK
THRISSUR DISTRICT 680 001.

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. 92 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - A TRUE COPY OF THE IA.412/2015 IN OP.202/2014 BEFORE THE
FAMILY COURT, IRINJALAKUDA DATED 24-2-2015

EXT.P2 - A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN
IA.412/2015 IN OP.202/2014 BEFORE THE FAMILY COURT,
IRINJALAKUDA DATED 3-3-2015

EXT.P3 - A TRUE COPY OF THE RECEIPT ISSUED FROM VIVEKANANDA
VIDHYANIKETHAN SCHOOL, VARANTHARAPPILLY DATED 25-2-2015

EXT.P4 - ORDER PASSED IN IA.412/2015 IN OP.202/2014 BEFORE THE FAMILY
COURT, IRINJALAKUDA DATED 11-3-2015.

RESPONDENT'S EXHIBITS :

NIL

//TRUE COPY//

P.A. TO JUDGE

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

O.P.(F.C.) No.92 of 2015

Dated this the 17th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

Exhibit P4 order dated 11th March, 2015 in I.A.No.412 of 2015 in G.O.P.No.202 of 2014, on the file of the Family Court, Irinjalakuda, is under challenge in this O.P.(FC.). By the order impugned, the respondent-mother was given interim custody of her daughter for four days from 13.3.2015 to 16.3.2015. The relief prayed for in the Original Petition has become infructuous. Even otherwise, we do not think that an order granting interim custody of the girl child to the mother for a period of four days can ever be challenged by the father of the child.

The O.P.(F.C.) is accordingly dismissed.

**K.T.SANKARAN
JUDGE**

**BABU MATHEW P.JOSEPH
JUDGE**