

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. 99 of 2015 (R)

O.P.NO.115/2015 FAMILY COURT, THIRUVANANTHAPURAM

PETITIONER(S):

1. RAJESH S.A., AGED 32 YEARS
S/O.SIVARAMA KRISHNAN, T.C.11/2050(1)
ARAMOM B-41, KANAKA NAGAR, KOWDIAR
THIRUVANANTHAPURAM.
2. SIVARAMA KRISHNAN
T.C.11/2050(1), ARAMOM, B-41
KANAKA NAGAR, KOWDIAR, THIRUVANANTHAPURAM.
3. ANANDA VALLI AMMAL
W/O.SIVARAMA KRISHNAN, T.C.11/2050(1), ARAMOM
B-41, KANAKA NAGAR, KOWDIAR
THIRUVANANTHAPURAM.

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENT(S):

SANDHYA DEVI, AGED 30 YEARS
D/O.VIJAYAKUMARI, DEVI BHAVAN, POONKODE
BHAGAVATHY NADA, BALARAMAPURAM
THIRUVANANTHAPURAM 695501.

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. 99 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE O.P.(CAVEAT) NO.10 OF 2015 BEFORE THE
FAMILY COURT, THIRUVANANTHAPURAM.

EXHIBIT-P2: TRUE COPY OF I.A.NO.143 OF 2015 IN O.P.115/2015 BEFORE THE
FAMILY COURT, THIRUVANANTHAPURAM.

EXHIBIT-P3: TRUE COPY OF THE ATTACHMENT ORDER IN I.A.NO.143/2015
DATED 23.01.2015 IN O.P.115/2015 OF THE FAMILY COURT,
THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS :

NIL

//TRUE COPY//

PA TO JUDGE

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

O.P.(F.C.)No.99 of 2015

Dated this the 17th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

In the manner in which we propose to dispose of the Original Petition (F.C.), it is not necessary to issue notice to the respondent.

2. The first petitioner is the husband of the respondent. Petitioners 2 and 3 are the parents of the first petitioner. The respondent filed O.P.No.115 of 2015 on 19.1.2015 before the Family Court, Thiruvananthapuram, claiming value of gold ornaments from the petitioners. Along with the Original Petition, I.A.No.143 of 2015 was filed for attachment before judgment. The Family Court issued Exhibit P3 order dated 23.1.2015 directing the petitioners herein to appear and

showcause why they should not furnish security for ₹5 lakhs. An interim order of attachment of the plaint schedule property was also granted.

3. The grievance of the petitioners is that they had filed O.P.(Caveat) No.10 of 2015 before the Family Court, Thiruvananthapuram, on 16.1.2015 and Exhibit P3 interim order of attachment was passed without issuing notice to the petitioners herein. It is submitted that the order is illegal since no notice was issued to the petitioners.

4. In the facts and circumstances, we do not think that it is necessary to issue notice to the respondent and to keep the matter pending. The petitioners are free to approach the Family Court, Thiruvananthapuram, and to file an appropriate application for appropriate reliefs in the application for

attachment before judgment. If such an application is filed by the petitioners before 25.3.2015, the Family Court shall dispose of that application as expeditiously as possible, and at any rate, on or before 20th April, 2015.

5. The petitioners shall produce certified copy of the judgment before the Family Court and they shall serve a true copy of the judgment to the learned counsel for the respondent and proof of the same shall be produced before the Family Court, Thiruvananthapuram.

The Original Petition (F.C.) is disposed of as above.

K.T.SANKARAN
JUDGE

BABU MATHEW P.JOSEPH
JUDGE