

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

OP (FC).No. 112 of 2015 (R)

FOR A DIRECTION FOR FINAL DISPOSAL OF O.P.NOS.18/2014, 20/2014 AND
M.C.NO.2/2014, PENDING BEFORE THE FAMILY COURT, ERNAKULAM

PETITIONER: PETITIONER:

PHILOMINA LITA, AGED 27 YEARS,
D/O. SEBASTIAN LALU, KALATHUNGAL HOUSE,
ERAMALLOOR P.O., CHERTHALA - 688 537.

BY ADVS. SRI.C.X. ANTONY BENEDICT
SMT. PRINCY XAVIER

RESPONDENTS: RESPONDENTS:

1. ROY THOMAS, AGED 38 YEARS,
S/O. VAKKACHAN, MALIYEKKAL HOUSE,
EDAVANAKAD P.O., ERNAKULAM DISTRICT,
PIN - 682 502.
2. VAKKACHAN, AGED 67 YEARS,
MALIYEKKAL HOUSE, EDAVANAKAD P.O.,
ERNAKULAM DISTRICT, PIN - 682 502.
3. REESA @ REETHA, AGED 59 YEARS,
W/O. VAKKACHAN, MALIYEKKAL HOUSE,
EDAVANAKAD P.O., ERNAKULAM DISTRICT,
PIN - 682 502.
4. RANSON, AGED 35 YEARS,
S/O. VAKKACHAN, MALIYEKKAL HOUSE,
EDAVANAKAD P.O., ERNAKULAM DISTRICT,
PIN - 682 502.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

O.P.(F.C.) NO.112 OF 2015 (R)

Dated this the 27th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

The petitioner filed O.P.No.20 of 2014 on the file of the Family Court, Ernakulam, against the respondents for return of ornaments. The petitioner also filed O.P.No.18 of 2014 for divorce. She filed M.C.No.2 of 2014 claiming maintenance. All these cases are pending.

2. The relief prayed for in this Original Petition is to issue a direction to the Family Court, Ernakulam to finally dispose of the aforesaid cases. In the Original Petition (FC), it is averred in paragraphs 16 and 17 as follows:

“16. All the three cases were filed on 3.1.2014. The Hon'ble Family Court was pleased to allow I.A.No.23/2014 issuing interim attachment of the petition schedule property. On 3.2.2014, respondent appeared

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before the court and the parties were referred for counseling and the case was posted for report on 15.2.2014. On 15.2.2014 parties were again referred for counseling and the case was posted for the report on 15.5.2014. Thereafter the parties were directed to be present on 30.5.2014 and on 30.5.2014 the case was referred for mediation and the case was posted to 17.9.2014 for report of mediation. The mediation conducted in two sittings on 30.5.2014 and 6.6.2014 failed. The respondents have not filed any counter in all the three cases even after the lapse of nearly 15 months. The respondent is seeking adjournment of the case only with an intention to delay the matter. Now the case has been adjourned to 30.4.2015.

17. Petitioner now wants to pursue her studies. She needs money to complete her education. Moreover petitioner is now depending upon her parents for her livelihood. The 1st petitioner is not giving any maintenance to the petitioner. She wants to find her own livelihood. For that she wants to start a business of fashion boutique for which a huge amount of money is required. The valuable money of the petitioner is in the hands of the respondent and respondents are deliberately delaying the matter with an intention of not giving the money of the petitioner. Furthermore

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petitioner is only 27 years of age. The marriage between the petitioner and the 1st respondent is irretrievably broken down. Petitioner's parents are looking for better marriage prospects for her. The 1st respondent who has come to know about this is deliberately delaying the case.”

3. In the facts and circumstances, there will be a direction to the Family Court, Ernakulam to dispose of O.P.Nos.18 of 2014, 20 of 2014 and M.C.No.2 of 2014, as expeditiously as possible. The Family Court shall see that counter/objection, if any, is filed in the cases and if no counter/objection is filed within the time fixed by the Family Court, the cases shall be taken up for trial thereafter.

The Original Petition (FC) is disposed of as above.

(K.T.SANKARAN)
Judge

(BABU MATHEW P. JOSEPH)
Judge

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