

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. 113 of 2015 (R)

AGAINST THE ORDER IN I.A.NO.307/2015 IN CUSTODY OP NO.149/2015
OF THE FAMILY COURT, PALAKKAD

PETITIONER:

GIRIJA, AGED 30 YEARS,
W/O.VELLAPPAN, PARAYILKADU VEEDU,
VEMBALLUR P.O., PALAKKAD - 678 502.

BY ADV. SRI.N.A.SHAFAEEK

RESPONDENT:

RAMESH, S/O.RAMAKRISHNAN,
THAMBATTY HOUSE, WEST YAKKARA,
PALAKKAD DISTRICT - 678 001.

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

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF I.A.NO.307/2015 IN CUSTODY
O.P.NO.149/2015 OF FAMILY COURT, PALAKKAD.

EXT.P2 TRUE COPY OF THE OBJECTION FILED BY THE
PETITIONER.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

AHZ/

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

O.P.(F.C.) No.113 OF 2015 (R)

Dated this the 27th day of March, 2015

JUDGMENT

K.T.Sankaran, J.

The marriage between the petitioner and the respondent was dissolved under Section 13B of the Hindu Marriage Act, as per the judgment dated 27.12.2013 in O.P.No.316 of 2013 on the file of the Family Court, Palakkad. In 2015, the respondent filed I.A.No.149 of 2015 for custody of the child, in which, he filed I.A.No.307 of 2015 for interim custody. The petitioner filed objections.

2. The grievance of the petitioner is that without considering the objections raised by her, the Family Court directed her to produce the minor child before Court on 27.3.2015. It is stated in the Original Petition that copy of the order was not obtained.

3. When the matter came up for hearing, a Division Bench of this Court directed the Registry to call for a copy of the proceedings paper of the case by fax. The proceedings in the B Diary shows the following details:

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“23.02.2015 Issue notice to produce the child to 07.03.2015.

07.03.2015 Petitioner present. Respondent as well as child absent. Notice ato 11.03.2015.

11.03.2015 Both parties present. Child also present. Interaction over. For further interaction to 27.03.2015.”

4. We do not think that we would be justified in interfering with the proceedings before the Family Court at this stage. The Family Court shall consider the rival contentions of the parties and, taking into account all the relevant aspects, pass appropriate orders in the application for interim custody. The High Court would not be justified in interfering, at every stage, with the interlocutory proceedings.

The Original Petition (Family Court) lacks merits and it is, accordingly, dismissed.

(K.T.SANKARAN)
Judge

(BABU MATHEW P. JOSEPH)
Judge

ahz/