

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.119 of 2015 (R)

AGAINST THE PROCEEDINGS IN OP 888/2014 of FAMILY COURT,
PATHANAMTHITTA

PETITIONER:

JAISON P.SAMUEL, AGED 36 YEARS,
S/O LATE SAMUEL, PALLIVADAKKETHIL HOUSE,
MUKKODU P.O., MULAVANA VILLAGE,
KOLLAM TALUK, KOLLAM DISTRICT, PRESENTLY
EMPLOYED AND RESIDING AT KALKAJI P.O.,
BOX NO.4363, NEW DELHI; REP. BY
MOTHER AND POWER OF ATTORNEY HOLDER THANKAMMA P.Y.,
AGED 70 YEARS, HOUSE WIFE, W/O LATE P.C.SAMUEL,
CHAMAVILA PADINJATTETHIL (H), MUKKODU P.O.,
MULAVANA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.LIJOY P.VARGHESE

RESPONDENT/PETITIONER:

LEEJAMOL, AGED 36 YEARS, D/O CHERIAN,
MEPPURATHU HOUSE, MADANTHAMON,
ATHIKAYAM VILLAGE, RANNI TALUK, PATHANAMTHITTA DISTRICT.

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No.119 of 2015 (R)

APPENDIX

PETITIONER'S EXTS

EXT.P1:- THE TRUE COPY OF THE PETITION FILED BY THE PETITIONER HEREIN IN OP.(DIVORCE) NO.1295/2009 BEFORE THE FAMILY COURT, KOLLAM.

EXT.P2:- THE TRUE COPY OF THE COPY APPLICATION AND URGENT PETITION FILED BY THE PETITIONER HEREIN IN OP (DIVORCE) NO.888/2014 BEFORE THE FAMILY COURT, PATHANAMTHITTA.

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

O. P. (FC) No.119 of 2015

Dated this the 27th day of March, 2015

JUDGMENT

K. T. Sankaran, J.

The respondent in O.P.(Divorce) No.888 of 2014 on the file of the Family Court, Pathanamthitta has filed this O.P. (FC) for the following reliefs:

- “ i) Direct the Family Court, Pathanamthitta, to dismiss the O.P.(Divorce) No.888/2014 filed by the respondent herein or pass appropriate writ, order or direction quashing the O.P. (Divorce) No.888/2014.
- ii) Call for the records of the case Nos.O.P. (Divorce) No.888/2014 filed before the Family Court, Pathanamthitta, and O.P.(Divorce) No.1295/2009 filed before the Family Court, Kollam.
- iii) Issue any other appropriate Writ, Order, or Direction as the case may be as this Hon'ble Court may deem fit and necessary in the interest of justice.”

2. The case of the petitioner is that he did not receive

notice in O.P.(Divorce) No.888 of 2014. He stated that another divorce petition filed by the petitioner against the respondent for the same relief is pending before the Family Court, Kollam as O.P.(Divorce) No.1295 of 2009 and in that case, the respondent appeared and filed counter and evidence was taken.

3. The petitioner can very well state before the Family Court, Pathanamthitta, that a divorce petition filed by him earlier in point of time is pending before the Family Court, Kollam and apply for appropriate relief. Keeping that liberty of the petitioner open, this Original Petition is closed.

Sd/-
K. T. SANKARAN
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

