

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 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP (FC).No.129 of 2015 (R)

AGAINST THE ORDER IN I.A. 442/2015 IN OP 2052/2012 of FAMILY COURT,
ERNAKULAM DATED 24/03/15

PETITIONER:

RAJESH K.A., S/O AMBUJAKSHAN, AGED 37 YEARS,
"PRASANTH" POORNA NAGAR, NO.12, ALUVA.

BY ADV. SMT.MEREENA JOSEPH

RESPONDENT:

SMITHA.S., D/O SOBHANA, AGED 30 YEARS, KAIPPALLI
PUTHENPURAYIL, MATHRUKA NAGAR, ULİYAKOVIL P.O.,
KOLLAM DIST.

R1 BY ADV. SMT.K.M.RASHMI (PARAVOOR)

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No.129 of 2015 (R)

APPENDIX

PETITIONER'S EXTS

EXT.P1:- TRUE COPY OF THE OP NO.2052/2012 DATED 16/11/2012.

EXT.P1(a):- TRUE COPY OF THE IA FOR INTERIM CUSTODY FILED BY THE RESPONDENT IN OP(GW) 2052/2012 DT. 10/4/14.

EXT.P2:- TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER TO OP NO.2052/12.

EXT.P3:- TRUE COPY OF THE IA FILED BY THE RESPONDENT FOR RESTORATION OP NO.2052/12 DT. 25/10/13.

EXT.P4:- TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER TO EXT.P3 IA DT. 23/12/13.

EXT.P5:- TRUE COPY OF THE IA NO.4815/14 IN OP 2052/12 DT 12/12/14 OF THE FAMILY COURT.

EXT.P6:- TRUE COPY OF THE IA NO.442/15 DT 13/1/15.

EXT.P7:- TRUE COPY OF THE OBJECTIONS FILED TO IA 442/15.

EXT.P8:- TRUE COPY OF THE REVIEW PETITION FILED BY THE PETITIONER DT. 24/03/2015.

EXT.P9:- TRUE COPY OF THE ORDER DATED 24/3/15 IN IA 442/15 IN OP 2052/12.

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

O.P. (FC) No.129 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

K. T. Sankaran, J.

O.P. No.2052 of 2012 was filed by the respondent against the petitioner for custody of the minor child Keerthana. The respondent filed I.A. No.442 of 2015 for interim custody of the child during summer holidays. The Family Court, by the order dated 24/03/2015, directed that custody of the child shall be given to her from 25/03/2015 till 25/05/2015.

2. We have perused the order passed by the court below and heard the counsel for the parties. We do not find any illegality in the order passed by the court below granting interim custody of the child Keerthana to the mother of the child for a limited period. The OP(FC) lacks merit and it is accordingly dismissed. It is made clear that during the

period of stay of the child with the mother, the petitioner (father) shall be entitled to visit the child at the residence of the respondent at reasonable intervals. Learned counsel for the respondent (wife) submitted that she has no objection for the father of the child seeing the child at her residence.

Sd/-
K. T. SANKARAN
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE