

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN**

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

OP (FC).No. 142 of 2015 (R)

**AGAINST THE ORDER/JUDGMENT IN OP 1971/2013 of FAMILY COURT,
ERNAKULAM.**

PETITIONER(S)/undefined:

**SURESH KUMAR, AGED 41 YEARS,
S/O.VELAYUDHAN PILLAI, PUTHIYATH HOUSE, KARIMUKAL P.O.,
PUTHENKURISU VILLAGE,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
P.V.BALASUBRAMANIAN, PUTHIYATH HOUSE, IRUMPANAM.P.O.,
THIRUVAMKULAM VILLAGE.**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENT(S)/undefined:

**SMT. LAKSHMI.S.DEVI, AGED 34 YEARS,
D/O.PANKAJAKSHAN PILLAI, LAVANYA, NORTH FORT GATE,
THRIPUNITHURA.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 22-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

:2:

OP (FC).No. 142 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE ORIGINAL PETITION NO.2404/2011 OF THE FAMILY COURT, ERNAKULAM.
- EXT.P2: TRUE COPY OF PETITION AND AFFIDAVIT IN I.A.NO.734/2012 OF THE FAMILY COURT, ERNAKULAM.
- EXT.P3: TRUE COPY OF THE PETITION AND AFFIDAVIT IN I.A.NO.1196/2013 DATED 11.4.13 OF THE FAMILY COURT, ERNAKULAM.
- EXT.P4: TRUE COPY OF O.P.1971/13 PENDING BEFORE THE FAMILY COURT, ERNAKULAM.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM & K. RAMAKRISHNAN, JJ.

O.P.(F.C.) No.142 of 2015

Dated this the 22nd day of May, 2015

JUDGMENT

C.K. Abdul Rehim, J

Petitioner herein is the petitioner in O.P.1971/2013 on the files of the Family Court, Ernakulam, which was filed seeking a decree of dissolution of the marriage between the petitioner and the respondent. The case was originally filed before the Family Court, Muvattupuzha as O.P.No.238/2013, which was subsequently transferred to the Family Court, Ernakulam and re-numbered as O.P.No.1971/2013. It is avered in this petition that the parties were referred for the counselling on 21.01.2014 and the case was posted thereafter for report of the counsellor, on 06.02.2014. It is alleged that after 21.01.2014 the case was being protracted, since the respondent has not turned up. Under such circumstances, the petitioner seeks direction to the Family Court,

Ernakulam, to dispose of the petition within a time limit to be stipulated.

2. When the matter came up for consideration earlier, we called for a report from the Family Court, Ernakulam. The presiding officer in his report dated 04.05.2015 had stated that, the case in question is not at all ripe for trial. He had further mentioned that a large number of old cases, up to the year 2011, which are included in the target for disposal is pending. It is pointed out that this court had issued direction on the administrative side to give preference to old cases. It is also mentioned that there are more than 1,500/- old cases, which were filed up to the year 2012, pending disposal.

3. Under the above mentioned circumstances, we do not think it is justified of our part to direct the Family Court to give preference in the matter of disposal of the case filed by the petitioner. Even though it is necessary to have disposal of all matrimonial cases at the earliest possible, no discrimination can be shown to favour of the

petitioner to have a preference than the other litigants, who are waiting in the queue. Therefore it may not be justified on the part of this court to stipulate any time limit for disposal of the case in question, especially when it is reported that the case is not at all ripe for trial. However, report of the presiding officer indicates that, if the parties are co-operating in completing the pre-trial steps and evidence, the case can be disposed of before 31.12.2015. We place on record the above submission.

Under the above mentioned circumstances, the writ petition is disposed of with a direction to the Family Court, Ernakulam to take all earnest efforts to dispose of O.P.No.1971/2013 pending before the said court at the earliest possible.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge