

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

OP (FC).No. 149 of 2015 (R)

AGAINST THE ORDER IN OP(HMA) 273/2013 of FAMILY COURT,KOLLAM
DATED 26-02-2013

AGAINST THE ORDER IN MC 218/2012 of FAMILY COURT,KOLLAM DATED 08-10-2012

AGAINST THE ORDER IN OP 1362/2012 of FAMILY COURT,KOLLAM
DATED 17-07-2013

PETITIONER:

ANEESH R, AGED 62 YEARS,
S/O.RAJENDRA PRASAD, KALPAKA HOUSE,
PAMBURAM MURI,
KALLUVATHUKKAL VILLAGE, KOLLAM TALUK,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
K.P.RAJENDRA PRASAD, KALPAKA HOUSE, PAMBURAM MURI,
KALLUVATHUKKAL VILLAGE, KOLLAM TALUK.

BY ADV. SRI.K.S.BHARATHAN

RESPONDENT:

KEERTHY S.NAIR,
D/O.ARAVINDAKSHAN NAIR, SUDHA BHAVAN,
VELINELLORE VILLAGE, OYUR, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, PIN 691510.

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: THE CERTIFIED COPY OF THE POWER OF ATTORNEY EXECUTED ON 22.02.2013 BY THE PETITIONER.

EXHIBIT-P2: TRUE COPY OF O.P.(HMA) NO.273/2013 DATED 26.02.2013 BEFORE THE FAMILY COURT, KOLLAM.

EXHIBIT-P3: TRUE COPY OF O.P.NO.1362/2012, DATED 05.10.2012 BEFORE THE FAMILY COURT, KOLLAM.

EXHIBIT-P4: TRUE COPY OF M.C.NO.218/2012, DATED 08.10.2012 BEFORE THE FAMILY COURT, KOLLAM.

EXHIBIT-P5: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE FAMILY COURT, KOLLAM IN O.P.NO.1362/2012 DATED 17.07.2013.

EXHIBIT-P6: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE FAMILY COURT, KOLLAM IN M.P.NO.218/2012 DATED 17.07.2013.

EXHIBIT-P7: TRUE COPY OF THE CHIEF AFFIDAVIT FILED BY THE PETITIONER BEFORE THE FAMILY COURT, KOLLAM IN O.P. (H.M.A.) NO.27/2013 DATED NIL.

RESPONDENT'S EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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

.....
O.P.(FC)No.149 of 2015
.....

Dated this the 21st day of May, 2015.

JUDGMENT

Abdul Rehim, J:

This writ petition is filed under Article 227 of the Constitution of India seeking direction to the Family Court, Kollam to have a joint trial of OP(HMA)No.273/2013, O.P.No.1362/2012 and M.C.No.218/2012, within a time frame to be stipulated.

2. Grievance appears to be that if the original petition seeking divorce filed as OP(HMA)No.273/2013 is not disposed of on an early basis, it will cause severe prejudice to the petitioner.

3. When the matter came up for consideration this Court had called for a report from the Family Court, Kollam. The report submitted by the presiding officer would indicate that there is a total pendency of 3448 cases, as on 31.3.2015. It is also mentioned that this Court had issued directions in more than 30 cases for expeditious disposal. Further it is stated that the Hon'ble Supreme Court had issued directions in three

cases to dispose of within six months. It is mentioned that trial of those cases are not yet started. Be that the position, the presiding officer had expressed his inability to concentrate on disposal of old cases, in case direction is issued for disposal of fresh cases by overlooking the priority.

4. Report submitted by the presiding officer would further indicate that OP.(HMA)No.273/2013 is not ripe for trial, whereas O.P.No.1362/2012 and M.C.No.218/2012 are ripe for trial. Those cases which are ripe for trial can be disposed of within a period of six months provided, the parties co-operate, is the statement made. It is also mentioned that O.P.(HMA) No.273/2013 can be disposed of within six months from the date of filing of the objection.

5. Considering the report submitted as above, this Court is of the considered opinion that there is no justification for stipulating any particular time limit for disposal of the cases. This is especially because many older cases of similar nature are pending disposal before the family court. We may not be justified in ordering priority with respect to any cases filed by a particular petitioner, which may result in injustice to those parties who are waiting in the queue.

Under such circumstances, this writ petition is hereby disposed of by directing the Family Court, Kollam to take all earnest steps for having an expeditious disposal of the cases mentioned herein above. It is needless to observe that, if the petitioner files any application seeking for joint trial of the cases, the same shall be considered by the family court and appropriate orders shall be issued.

Sd/-
C.K. ABDUL REHIM, JUDGE.

Sd/-
K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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