

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 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

OP (FC).No. 160 of 2015 (R)

AGAINST THE ORDERIN OP 356/2008 of FAMILY COURT,THRISSUR

PETITIONER:

SINDHU SIDHARTHAN, AGED 45 YEARS,
FLAT NO.4H, CHELUR TOWER, POOTHOLE DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

1. SIDHARTHAN
S/O.KOPRA KUNJIMON, MANATHALA AMSOM AND DESOM,
CHAVAKKAD TALUK, PIN-680506.

2. MAVIS DAVIS
S/O.MALIYEKKAL DAVIS, KANIMANGALAM VILLAGE,
DESOM AND P.O., THRISSUR TALUK AND DISTRICT,
PIN-680027.

3. SAJEEVAN,
S/O.VASUDEVAN NAIR, KANNAMMATTIL, ORUMANAYUR DESOM,
CHAVAKKAD TALUK, PIN-680506.

4. KABEER,
S/O.MUHAMMED, KANNAMMATTIL, ORUMANAYUR DESOM,
CHAVAKKAD TALUK, PIN-680506.

5. MOITHEENKUTTY,
S/O.KARENGAL MOITHUNNY, PARLIKKAD VILLAGE AND DESOM
TALAPPILLY TALUK, PIN-680623.

6. MUHAMMADUNNY,
KARAPPAVEETIL, S/O.SAITHUTTY, BLANGAD DESOM,
KADAPPURAM, CHAVAKKAD TALUK, PIN-680027.

7. B.P.SHARAFUDHEEN
S/O.BANGALAPARAMBIL USMAN, SUMAYYAS HOUSE, PALAKKAD
PIN-678001.

BY ADV. SRI.RAJIT

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 09-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 160 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE OF THE IA 463/2015 IN OP 356/2008 FAMILY COURT, THRISSUR.

EXT.P2 : TRUE OF THE COUNTER AFFIDAVIT DT.14-2-15 FILED IN IA 463/2008
IN OP 356/08 FAMILY COURT, THRISSUR.

EXT.P3 : TRUE OF THE ORDER DT.16-2-2015 IN IA 463/15 INOP 356/08 FAMILY
COURT, THRISSUR.

EXT.P4 : TRUE OF THE OP 356/08 FAMILY COURT, THRISSUR.

EXT.P5 : TRUE OF THE OBJECTION DT.NIL FILED IN OP 356/08 FAMILY COURT,
THRISSUR.

EXT.P6 : TRUE OF THE OP 1414/07 FAMILY COURT, THRISSUR.

EXT.P7 : TRUE OF THE OP 1415/07 FAMILY COURT, THRISSUR.

EXT.P8 : TRUE OF THE OP 1416/07 FAMILY COURT, THRISSUR.

EXT.P9 : TRUE OF THE OP 1417/07 FAMILY COURT, THRISSUR.

EXT.P10 : TRUE OF THE OP 1418/07 FAMILY COURT, THRISSUR.

EXT.P11 : TRUE OF THE OP 1620/2007 FAMILY COURT, THRISSUR.

EXT.P12 : TRUE OF THE OP 1621/2007 FAMILY COURT, THRISSUR.

EXT.P13 : TRUE OF THE OP 1622/07 FAMILY COURT, THRISSUR.

EXT.P14 : TRUE OF THE OP 1623/07 FAMILY COURT, THRISSUR.

RESPONDENTS' EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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

.....
O.P.(FC)No.160 of 2015
.....

Dated this the 9th day of July, 2015.

JUDGMENT

Abdul Rehim, J:

In this writ petition filed under Article 227 of the Constitution of India, the challenge is against Ext.P3 order of the Family Court, Thrissur passed in I.A.No.463/15 in OP.No.356/2008.

2. IA.No.463/2015 was filed seeking joint trial of nine other cases along with OP.No.356/2008. The court below found that the decision in the other cases will have a direct bearing on the result of OP.No.356/2008. Further it is found that, joint trial of all the cases will also help the court and parties to save much time. Hence the joint trial petition was allowed.

3. When the above writ petition came up for consideration on 17.4.2015, this court passed an interim order staying the trial of OP.No.356/2008 on the file of Family Court, Thrissur.

4. Today when the case is taken up for consideration, counsel for the 1st respondent submitted that all the other cases which were sought to be tried along with OP.No.356/2008

were already proceeded separately. Evidence in those cases were adduced and those cases are now posted for final hearing. Under such circumstances, there is no possibility of having joint trial of OP.No.356/2008 along with those cases, is the submission. Hence, it is submitted that Ext.P3 order cannot be put into operation at this stage.

Recording the above submissions, we observe that no purpose will be served now by ordering joint trial of all the cases. Hence the writ petition is allowed and Ext.P3 order is hereby set aside.

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

Sd/-
K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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