

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 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

OP (FC).No. 165 of 2015 (R)

PETITIONER(S)/PETITIONER:

ANDREWS T.P, AGED 44 YEARS,
S/O.THULAVATH POULOSE, RESIDING AT THULUVATH HOUSE,
KALLETUMKARA VILLAGE, PALLINADA DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.T.N.MANOJ

RESPONDENT(S)/RESPONDENT/RESPONDENT:

SHERLY M.K.,
D/O.LATE OUSEPH AKKARAKARAN HOUSE, PULLUR DESOM,
NEAR PULLUR KOVENTHA CHURCH,
PULLUR VILLAGE AND DESOM, THRISSUR DISTRICT - 680 683.

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 04-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC).No. 165 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|---------------|---|
| EXT.P1 | TRUE COPY OF THE OP 1485/2012 OF THE FAMILY COURT AT IRINJALAKUDA. |
| EXT.P2 | TRUE COPY OF THE REPORT DT 21.2.2015 OF THE CLINICAL PSYCHOLOGIST OF THE JUBILEE MISSION MEDICAL COLLEGE HOSPITAL AT THRISSUR. |
| EXT.P3 | TRUE COPY OF OP 889/2013 PENDING ON THE FILES OF THE FAMILY COURT AT IRINJALAKUDA. |
| EXT.P4 | TRUE COPY OF MC 155/2013 PENDING ON THE FILES OF THE FAMILY COURT AT IRINJALAKUDA. |
| EXT.P5 | TRUE COPY OF I.A.585/2015 FILED IN OP 1485/2012 PENDING ON THE FILES OF THE FAMILY COURT AT IRINJALAKUDA. |
| EXT.P6 | TRUE COPY OF THE ORDER DT.8/4/2015 IN I.A.585/2015 IN OP 1485/2012 OF THE FAMILY COURT AT IRINJALAKUDA. |

RESPONDENT(S)' EXHIBITS

: **NIL**

// True Copy //

P.A. to Judge

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

O.P.(F.C.) No. 165 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

Petitioner in I.A.No.585/2015 in O.P.No.1485/2012 on the file of the Family Court, Irinjalakuda, is filed this original petition against the order passed by the Family Court in that application, invoking the supervisory jurisdiction under Article 227 of the Constitution of India.

2. It is alleged in the petition that the petitioner filed O.P.No.1485/2012 for declaring the marriage between the petitioner and the respondent are null and void. The petitioner also filed O.P.No.889/2013 before the Family Court, Irinjalakkuda, against the respondent, her parents and relatives seeking a decree for money in the form of damages. The respondent filed M.C.No.155/2013 seeking

maintenance from the petitioner herein. The petitioner filed I.A.No.585/2014 in O.P.No.1485/2012 seeking joint trial of all these cases on the ground that the nature of evidence adduced to be considered in all these cases are same. Learned Family Court Judge by impugned Ext.P6 order partly allowed the application, allowing joint trial of O.P.No.889/2013 and O.P.No.1485/2012, but declined to order joint trial of M.C.No.155/2013 along with these cases. Aggrieved by the same, the present petition has been filed.

3. Heard the counsel for the petitioner. Though notice was served on the respondent, she did not enter appearance.

4. Having gone through the order of the court below and also the allegations made in the petition seeking joint trial and having allowed the joint trial in respect of O.P.No.889/2013 and O.P.No.1485/2012, the court below was not justified in denying the joint trial of M.C.No.155/2013 along with those two cases. The reasons stated by the court below for denying the relief is also not

sustainable, especially when the matter involved in all these cases are having some inter connection and for resolving the dispute, a common finding has to be recorded on the dispute between the parties. The judgment in one case will have impact on other case as well. So under the circumstances, denying joint trial in M.C.No.155/2013 with the other two cases will in fact cause prejudice to the petitioner and no hardship will be caused to the other side, if it is being tried along with other two cases as well. If the apprehension of the court below was delay in disposing of M.C.No.155/2013, court below should have taken earnest attempt to dispose all the cases together and dispose of the same as expeditiously as possible.

5. So under the circumstances, the order denying the joint trial in M.C.No.155/2013 along with other two cases by the court below is set aside and the petition is allowed and joint trial is allowed in respect of M.C.No.155/2013 also to be tried along with O.P.No.889/2013 and O.P.No.1483/2012 as prayed for by

the petitioner in the petition filed by him before the court below. The family court is directed to expedite trial of all these cases as expeditiously as possible.

With the above direction and observation, the original petition is disposed of.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge