

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. 176 of 2015 (R)

PETITIONER(S)/PETITIONER:

MRS. THAHIRA .C., AGED 32 YEARS,
W/O.JALEEL, RISHAL MAHAL, VALIYAVALLAPPU,
KUNNIL, MOGRAL, PUTHUR,
KASARAGOD.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/RESPONDENTS:

1. MR. JALEEL,
S/O.LATE MAMMU, RISHAL MAHAL, VALIYAVALLAPPU,
KUNNIL, MOGRAL, PUTHUR,
KASARAGOD - 670 692.

2. STATE OF KERALA,
REP BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R1 BY ADV. SRI.SALIM V.S.
SRI.SHANAVAS.S
SRI.H.NUJUMUDEEN
SRI.P.V.JEEVESH

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. 176 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

:

**P1:- TRUE COPY OF THE SAID ORDER IN IA 538/2014 IN OP 396/2014 DTD
1/12/2014**

P2:- TRUE COPY OF THE ATTENDANCE REGISTER

**P3:- COPY OF THE JUDGMENT IN WPCR NO 99 OF 2015 OF THIS HON'BLE
COURT**

RESPONDENT(S)' EXHIBITS

:

NIL

// True Copy //

P.A. to Judge

SS

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

O.P.(F.C.) No. 176 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

This original petition is filed by the mother of minor children, seeking direction of this court invoking the supervisory jurisdiction under Article 227 of the Constitution of India in respect of I.A.No.538/2014 in O.P.No.396/2014 of Family Court, Kasaragod.

2. It is alleged in the petition that the petitioner is a legally wedded wife of first respondent and their marriage was solemnized on 06.04.2000 and in the wedlock two children were born to them. The relationship between the petitioner and the respondent strained and they were started residing separately. First respondent conducted second marriage with one Sunaira and a male child was born to him in that wedlock. First respondent neglected the

petitioner and minor children. So the petitioner filed O.P.No.396/2014 under Guardian and Wards Act for getting custody of her minor children. First respondent is working in Gulf and children are in his custody. The petitioner filed I.A.No.538/2014 before the Family Court, Kasaragod for interim custody of the children and the Family Court allowed interim custody of the children to the petitioner on every Saturday and Sunday after the school time is over. The first respondent is not sending the children to school and when she contacted with the school authorities, it is understood that he is trying to take the children to Dubai. She filed W.P.(Crl.)No.99/2015 before this court for writ of Habeas Corpus and the same was disposed of by this court by Ext.P3 judgment, directing the petitioner to move the Family Court. Since the Family Court, Kasaragod is not functioning, she cannot file any application to enforce the order. So the petitioner has no other remedy, except to approach this court invoking the supervisory jurisdiction to

enforce Ext.P1 order of the Family Court.

3. When the application came up for hearing today, the counsel appearing for the respondent submitted that during vacation the children were taken to Dubai, where their father is working and, since the Family Court was vacant, he could not take permission. Now the vacation is over and the children were brought back and admitted in the school Thanbeethul Islam Higher Secondary School, Nayanmarmoola, from 1st June onwards and they are studying in that school and he has no objection in the petitioner taking the children as directed by the Family Court, Kasaragod in Ext.P1 order. The above submission of the respondent is recorded and the petition is disposed of, as no further direction in this regard is required. If the respondent had violated the order causing any obstruction to the taking of the children as per Ext.P1 order, the petitioner is at liberty to move the Family Court, Kasaragod or the District Judge who is full additional charge of the

Family Court, Kasaragod, to implement the order as per Ext.P1.

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

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge