

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. 177 of 2015 (R)

PETITIONER(S):

ROSHNI APREM, AGED 35 YEARS,
DAUGHTER OF APREM, PAMPPORICKAL HOUSE,
KAVUMBHAGOM.P.O., CHERUVALLY,
KOTTAYAM DISTRICT - 686 519.

BY ADVS.SRI.TPM.IBRAHIM KHAN (SR.)
SRI.K.M.ABDUL MAJEED
SMT.PRIYA ELIZABETH BABU
SRI.K.G.MATHEWS
SRI.M.I. FAIZAL

RESPONDENT(S):

RAJESH JOSEPH,
SON OF JOSEPH, AKKATTU PUTHENPURACKAL HOUSE,
SANA COMPLEX, CHANGANACHERRY.P.O., KOTTAYAM DISTRICT.

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

OP (FC).No. 177 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A PHOTOSTAT COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 16.1.2013 IN OP(FC) NO.2198 OF 2012
- EXHIBIT P2: A PHOTOSTAT COPY OF THE OP NO 328 OF 2014 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, PALA.
- EXHIBIT P3: A PHOTOSTAT COPY OF THE OBJECTION AND COUNTER CLAIM FILED BY THE PETITIONER IN OP NO. 328 OF 2014.
- EXHIBIT P4: A PHOTOSTAT COPY OF THE REPLICATION FILED BY THE RESPONDENT IN OP NO. 328 OF 2014 BEFORE THE FAMILY COURT, PALA.
- EXHIBIT P5: A PHOTOSTAT COPY OF THE I.A.NO.169/2015 FILED IN SUPPORT OF AFFIDAVIT BEFORE THE FAMILY COURT, PALA.
- EXHIBIT P6: A PHOTOSTAT COPY OF THE OBJECTION DATED 14.3.2015 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, PALA.
- EXHIBIT P7: A PHOTOSTAT COPY OF THE ORDER DATED 8.4.2015 PASSED BY THE FAMILY COURT, PALA IN IA NO 169 OF 2015 IN OP NO.328 OF 2014.
- EXHIBIT P8: A PHOTOSTAT COPY OF THE OUTPATIENT TICKET DATED 8.3.2014 ISSUED BY THE MEDICAL COLLEGE HOSPITAL, KOTTAYAM.
- EXHIBIT P9: A PHOTOSTAT COPY OF THE PSYCHOLOGICAL ASSESSMENT REPORT DATED 26.3.2015 ISSUED BY THE CLINICAL PSYCHOLOGIST, SCHOOL OF BEHAVIOURAL SCIENCE, M.G. UNIVERSITY, KOTTAYAM.
- EXHIBIT P10: A PHOTOSTAT COPY OF THE STATEMENT OF THE MINOR CHILD-ALWIN RECORDED BY THE CHILD WELFARE COUNCIL ON 27.9.2014.
- EXHIBIT P11: A PHOTOSTAT COPY OF THE LETTER DATED 27.9.2014 ADDRESSED BY THE PETITIONER BEFORE THE CHAIRPERSON, CHILD WELFARE COUNCIL.

RESPONDENT(S)' EXHIBITS

----- : NIL

//True Copy//
SS

P.A. to Judge

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

O.P.(F.C.) No. 177 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

This original petition has been filed by the respondent in I.A.No.169/2015 in O.P.No.328/2014 on the file of the Family Court, Pala, challenging the order passed by the Family Court in that petition, invoking the supervisory jurisdiction of this court under Article 227 of the Constitution of India.

2. The petitioner herein is a divorced wife of the respondent. According to the petitioner, as per order of this court in O.P.(F.C.) No.2198/2012, the custody of the minor child Alvin was given to the petitioner. Now respondent filed O.P.No.328/2014 before the Family Court, Pala, seeking custody of the minor child without paying the agreed maintenance amount and also moved I.A.No.169/2015, seeking interim custody of the minor child during summer vacation. Though objection was filed, the

learned Family Court Judge allowed the application in part vide Ext.P7 order, granting interim custody of the child for one week from 19.04.2015 to 24.05.2015 to the respondent herein, who is the petitioner before the court below. That order is being challenged by the petitioner herein by filing this petition.

3. Though notice was served on the respondent there is no appearance for the respondent. Considering the fact that the period of visitation allowed by the court below has expired and no further order is required in this matter at this stage, this court feels that the petition can be dismissed as infructuous and the court below can consider the relief in the main petition untrammelled by any observation made in the impugned order. So the petition is dismissed as stated above.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge