

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

OP (FC).No. 182 of 2015 (R)

(AGAINST THE ORDER IN I.A. 284/2015 IN O.P.210/2015 OF
FAMILY COURT, THALASSERY.)

PETITIONER/1st RESPONDENT (S):

E.VIJISHA AGED 22 YEARS
D/O.KUNJAPPAN, RESIDING AT APPORVASHARAMAM, THOTTADA
KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENTS/PETITIONER AND RESPONDENT NO.2:

1. SREEJITH, AGED 30 YEARS
S/O.NARAYANAN, RESIDING AT KOYYOT HOUSE
ARAYALIN KIZHIL, THLEMBRA, PERAVOOR-670 673
THALASSERY TALUK, KANNUR DISTRICT.

2. VANAJA (THE OTHER), AGED 35 YEARS
APPORVASHARAMAM, THOTTADA, KANNUR DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
BY ADV. SMT.A.R.PRAVITHA
BY ADV. SRI.BALAKRISHNAN GOPINATH
BY ADV. SMT.D.S.THUSHARA
BY ADV. SRI.H.PRAVEEN (KOTTARAKARA)

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1. TRUE COPY OF THE DIVORCE PETITION FILED BY THE PETITIONER
BEFORE THE FAMILY COURT, THALASSERY IN OP NO.20/2014

EXT.P2. TRUE COPY OF THE OP NO.2010/2015 BEFORE THE FAMILY COURT,
THALASSERY.

EXT.P3. TRUE COPY OF THE IA NO.284/2015 IN OP NO.210/2015 BEFORE THE
FAMILY COURT, THALASSERY.

EXT.P4. TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER TO
THE IA NO.284/2015 BEFORE THE FAMILY COURT, THALASSERY.

EXT.P5. TRUE COPY OF THE CERTIFICATE OF RECOGNITION GRANTED TO
APPOORVASHRAM BY THE BOARD OF CONTROL FOR ORPHANAGES AND OTHER
CHARITABLE HOMES FOR INHABITATION OF GIRLS

EXT.P5(A). TRUE COPY OF THE CERTIFICATE OF RECOGNITION GRANTED TO
APPOORVASHRAM BY THE BOARD OF CONTROL FOR ORPHANAGES AND OTHER
CHARITABLE HOMES FOR INHABITATION OF BOYS

EXT.P6. TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT
TO THE IA NO.284/2015 BEFORE THE FAMILY COURT, THALASSERY.

EXT.P7. TRUE COPY OF THE ORDER OF THE FAMILY COURT, THALASSERY IN IA
NO.284/2015 IN OP NO.210/2015.

/true copy/

P.S. To Judge

**P.R. RAMACHANDRA MENON
&
K. RAMAKRISHNAN, JJ.**

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O.P.(FC)No.182 OF 2015
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Dated this the 19th June, 2015

J U D G M E N T

K. Ramakrishnan, J:

When the Original Petition came up for hearing today, the learned Counsel for the first respondent submitted that though as per the order (dated 22.04.2015) of the court below, the child was ordered to be produced before the court below on 25.04.2015 and 02.05.2015, that period is over and the child was not produced, so the relief claimed has become infructuous. The learned Counsel also submitted that after the above order of the court below, there were some subsequent developments and that there is a possibility of settlement also, which can be worked out by mediation in the lower court

2. The learned Counsel for the petitioner also submitted that the above petition can be dismissed as infructuous leaving open the right of the parties to move the court below for referring the matter for mediation and if necessary for seeking

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for interim custody at a later stage. If any such request is made, the court below shall consider and dispose of the same, passing appropriate orders in accordance with law.

With the above directions and observations and also recording the submissions, the Original Petition is dismissed as infructuous. Interim order of stay granted is vacated.

**P.R. RAMACHANDRA MENON,
JUDGE.**

**K. RAMAKRISHNAN,
JUDGE.**

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