

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. 192 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 1009/2014 of FAMILY COURT,
NEDUMANGAD.

PETITIONER(S)/PETITIONER/PETITIONER:

JASNA J. B., AGED 22 YEARS,
D/O.JUNAIDA BASHEER, JASNA VILLA, THOLICODE,
THEVENPARA THOLICODE P .O., THOLICODE VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/RESPONDENT/RESPONDENT:

ANSAR, AGED 35 YEARS,
S/O.MANSOOR, JASMIN MANZIL, 8TH STONE, KARAKULAM P. O.,
KARAKULAM P .O., THIRUVANANTHAPURAM, PIN 695 301.

BY ADVS. SRI.J.HARIKUMAR
SRI.S.SHANAVAS (VAVARAMBALAM)

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. 192 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF OP NO 1009/2014 PENDING BEFORE FAMILY COURT,
NEDUMANGAD**

RESPONDENT(S)' EXHIBITS

: NIL

// True Copy //

P.A. to Judge

ss

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

O.P.(F.C.) No. 192 of 2015

Dated this the 4th day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner herein is the petitioner before the Family Court, Nedumangad in O.P.No.1009/2014. The respondent herein is the respondent before the court below. Case before the Family Court was filed seeking dissolution of marriage between the parties, under the Dissolution of Muslim Marriages Act. The petitioner is approaching this court invoking jurisdiction vested under Article 227 of the Constitution of India, seeking direction to the Family Court for an early disposal of O.P.No.1009/2014, on the basis that she is planning to go to Kuwait and to settle therein.

2. The relief sought for was vehemently opposed by counsel appearing for the respondent based on the submission that other cases between the parties are also pending before the Family Court and there are also

criminal cases registered against the petitioner, which are under investigation. More over it is submitted that the case in question is only at a preliminary stage and it was instituted only in October 2014. It is pointed out that the pleadings are not complete in the case and the respondent has not yet filed his counter.

3. When the matter came up for consideration earlier, this court had called for a report from the Family Court, Nedumangad. The Presiding Officer in his report dated 01.06.2015 submitted that, the case now stands posted for objection of the respondent to 29.06.2015. It is mentioned that, if both the parties co-operate, the case can be disposed of within a period of four months thereafter.

4. We notice that the case in question before the Family Court is only of the year 2014. We are quite sure that so many older cases which are ripe for trial are pending disposal before the said court. It may not be just and proper on the part of this court to direct priority in the matter of disposal of one case alone merely on the ground

that the petitioner wanted to settle the case on an early basis. We are afraid that we will be doing injustice in such case to other litigants who are waiting in the queue for their turn for disposal of older cases.

5. However, we notice that the report of the Presiding Officer is to the effect that if the parties co-operate the case can be disposed of within four months, after June, 2015. Therefore we observe that the Family Court will take all earnest efforts to dispose of the case at the earliest, after affording reasonable opportunities to the parties and after complying with all statutory formalities needed for disposal of the case, including counselling and mediation.

With the above observations, the original petition is disposed of.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge