

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 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

OP (FC) .No. 194 of 2015 (R)

AGAINST THE ORDER IN OP 387/2014 of FAMILY COURT,TRIVANDRUM

PETITIONER/RESPONDENT:

DR.MOHANACHANDRAN, AGED 61 YEARS,
S/O.DIVAKARAN, DIVAKARA MANDIRAM,
MAVUNINNA VILA,
ATHIYANNOOR VILLAGE,
NEYYATTINKARA TALUK
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.R.T.PRADEEP

RESPONDENT/PETITIONER:

DR.SUDHA CHANDRA, AGED 52 YEARS,
W/O.DR.MOHANACHANDRAN,
DIVAKARA MANDIRAM
MAVUNINNA VILA,
ATHIYANNOOR VILLAGE,
NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT-695121

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC) .No. 194 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF OP NO.387/2014 DATED 7.3.2014 FILED BEFORE FAMILY COURT, THIRUVANANTHAPURAM.

EXT.P2 - TRUE COPY OF IA NO.77/2014 DATED 7.3.2014 FILED BEFORE FAMILY COURT, THIRUVANANTHAPURAM.

EXT.P3 - TRUE COPY OF SHOW CAUSE NOTICE DATED 13.3.2014 ISSUED BY FAMILY COURT, THIRUVANANTHAPURAM.

EXT.P4 - TRUE COPY OF OBJECTION DATED 15.10.2014 FILED IN OP NO.387/2014 BEFORE FAMILY COURT, THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS:NIL

/TRUE COPY/

P.S. TO JUDGE

c1

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

.....
O.P.(F.C)No.194 of 2015
.....

Dated this the 28th day of May, 2015.

JUDGMENT

Abdul Rehman, J:

This writ petition under Article 227 of the Constitution of India is filed seeking to expedite trial of O.P.No.387/2014 on the files of the Family Court, Thiruvananthapuram. The original petition before the Family Court was filed by the respondent herein seeking relief to recover a sum of Rs.50,000/- and 50 sovereigns of gold ornaments or in the alternative its value at Rs.11 lakhs from the petitioner herein. She had also claimed for recovery of an amount of Rs.3.4 crores being the value of 34 cents of property, which is allegedly sold by the petitioner herein.

2. The case before the Family Court was filed on 7.3.2014. The petitioner filed Ext.P4 objection before the Family Court on 15.10.2014. Contention of the petitioner is that the original petition was filed by the respondent only as a frivolous attempt, with an oblique motive to restrain the petitioner herein from disposing an immovable property belonging to him, upon which

an interim attachment is obtained. It is pointed out that daughter of the petitioner and the respondent had earlier filed another original petition before the Family Court seeking recovery of a huge amount towards marriage expenses, educational expenses etc, in which the very same property was under attachment. The present original petition was filed only when the case filed by the daughter was dismissed, with an intention to see that the attachment on the property continues and the petitioner is refrained from alienating the property. Under the above mentioned circumstances, the petitioner seeks for a direction for time bound disposal of the case by the Family Court, on the premise that otherwise the petitioner will be put to severe prejudice.

3. Heard; counsel appearing for the petitioner.

4. We notice that the case before the Family Court was filed only during March 2014. We are quite sure that so many older cases of similar nature are pending disposal before that Family Court since last so many years. The Hon'ble Supreme Court as well as this Court had issued various directions on the administrative side to the Family Courts to have expeditious disposal of matrimonial disputes. We are of the opinion that the Family Courts are taking all earnest efforts to liquidate

the pendency by giving preference to older cases. Merely because an order of interim attachment issued against the property of the petitioner continues, it cannot be said that preference in the matter of disposal of the case in question should be given. If such an order is passed by this Court, we are afraid that, we will be doing injustice to parties in other cases pending for disposal since the last so many years. Hence, we are not inclined to issue direction for any time bound disposal of the case before the Family Court.

5. However, we are sure that the Family Court, Thiruvananthapuram will take all earnest efforts to dispose of O.P.No.387/2014 at the earliest possible. It is also made clear that the petitioner will be at liberty to approach that court seeking early disposal of the matter, if there is any special circumstances prevailing.

The writ petition is disposed of with the above directions.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

cl

/true copy/

P.S to Judge

