

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE C.K.ABDUL RAHIM

&

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

OP (FC).No. 201 of 2015 (R)

AGAINST HMA.(DIV.) O.P.NO.567/2014 of FAMILY COURT, PALA.

PETITIONER/RESPONDENT:-

MADHU V., AGED 33 YEARS,
VIJAYAKUMAR, USHAS VARYAM,
ANATHU P.O., ADOOR, THALOOK,
PATHANAMTHITTA DISTRICT.

BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)
SRI.RILGIN V.GEORGE

RESPONDENT/PETITIONER:-

REMYA J., AGED 25 YEARS,
D/O.M.SURENDRANATH VARYAR,
SIVAKRIPA VARYAM, HOUSE NO.91,
KAIRALI NAGAR, ERUMATHALA P.O.,
CHOONDY, ALUVA,
ERNAKULAM DISTRICT - 683 101.

BY

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 201 of 2015.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: COPY OF THE HMA (DIV) OP.NO.567/2014 FILED BY
THE RESPONDENT.

EXHIBIT P2: COPY OF THE OP.NO.1183/2014 FILED BY THE
PETITIONER FOR RESTITUTION OF CONJUGAL RIGHTS.

EXHIBIT P3: COPY OF THE I.A.NO.367/2015 IN HMA.(DIV.) OP.
NO.567 OF 2014 FILED BY THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

// TRUE COPY //

PA TO JUDGE.

Kvs/-

**C.K.ABDUL REHIM,
&
P.B. SURESH KUMAR, JJ.**

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O.P.(F.C.) No.201 of 2015-R.
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Dated this the 12th day of May, 2015.

J U D G M E N T

C.K.ABDUL REHIM, J.

This Original Petition is filed seeking direction to dispose of I.A.No.367 of 2015 in H.M.A.(Div) O.P.No.567 of 2014 filed before the Family Court, Pala. It is stated that the above said I.A. was filed seeking interim custody of the minor child of the petitioner and the respondent, namely Miss.Devitha. Apprehension of the petitioner is that, if the interim custody application is not considered immediately and orders are not issued on the said application, he may not be in a position to take the child with him during the mid-summer vacation of the school, wherein the child is studying.

2. Averments in the writ petition is that I.A.No.367 of 2015 was filed on 21.4.2015. But nothing is mentioned in the writ petition to the effect that the petitioner had moved

the above said application before the Family Court. The petitioner has also not mentioned about the posting date of H.M.A.(Div) O.P.No.567 of 2014 before the Family Court.

3. It will be left open to the petitioner to move I.A.No.367 of 2015 before the Family Court, Pala by filing appropriate application for advancing posting of the case, for consideration of the interim application. If any such application is filed, it is needless to observe that, the Family Court will consider the same and shall pass appropriate orders without any further delay.

This writ petition is disposed of subject to the above observations.

**C.K.ABDUL REHIM,
JUDGE.**

**P.B.SURESH KUMAR,
JUDGE.**

Kvs/-