

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 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

O.P. (FC).No. 210 of 2015 (R)

**AGAINST E.P.No.82 OF 2011 IN E.P.NO.11 OF 2010 IN O.P.(H.M.A.)No.976 OF 2006 of
THE FAMILY COURT, THIRUVANANTHAPURAM**

PETITIONER/PETITIONER:

**AJITHA KUMARI,
D/O.SUMATHI, SAJI BHAVAN, T.C.NO.51/1369,
SATYAN NAGAR, ESTATE.P.O., PAPPANAMCODE,
THIRUVANANTHAPURAM.**

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

RESPONDENT(S)/RESPONDENT:

**LIJU,
S/O.GOPALAKRISHNAN, LIJU BHAVAN, KOLLAMKONAM,
VILAPPILSALA, THIRUVANANTHAPURAM-695 573.**

**THIS ORIGINAL PETITION (FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

O.P. (F.C).No. 210 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : TRUE COPY OF THE COMPROMISE EXECUTED BY THE
PETITIONER AND THE RESPONDENT IN E.P.No.11 OF 2010

EXT.P2 : TRUE COPY OF E.P.No.82 OF 2011 AND THE DRAFT DEED

EXT.P3 : TRUE COPY OF E.A.No.164 OF 2014.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

C.K. ABDUL REHIM, J.

&

K. RAMAKRISHNAN, J.

O.P.(F.C.)No. 210 OF 2015

DATED THIS THE 21st DAY OF MAY, 2015.

J U D G M E N T

K. Ramakrishnan, J.

This is an application filed by the petitioner under Article 227 of Constitution of India seeking following reliefs:

"i) To direct the Family Court, Thiruvananthapuram to correct the mistake in the Judgment as per Exhibit P3 and to execute the release deed in favour of the petitioner E.P.No.82 of 2011 in E.P.No.11 of 2010 in O.P.(H.M.A.)No.976 of 2006, within a time frame to be fixed by this Honourable Court.

ii) issue such other writ, direction or order as is deemed just proper in the facts and circumstance of the case."

2. It is alleged in the petition that the matter was compromised in the Lok Adalat and on the basis of the same, an award has been passed and execution E.P.No.11/2010 in O.P.(H.M.A.)No.976 of 2006 of Family Court, Thiruvananthapuram was filed to execute the award. It is seen that there was some mistake crept in the Survey Number of the property. So, petitioner filed E.A.No.164/2014 as Ext.P3 to correct the same. But, court below has ordered notice.

Aggrieved by the same, the petitioner moved this Court seeking the above reliefs.

3. Heard the Counsel for the petitioner.

4. As considering the nature of relief claimed, this Court felt that the Original Petition itself can be disposed of dispensing with notice to the respondent.

5. On going through the allegations and also the documents produced, the order passed by the court below issuing notice in Ext.P3 petition cannot be said to be illegal and no direction can be given regarding the relief claimed. So, under the circumstances, this Court feels that the petition can be disposed of giving direction to the Family Court, Thiruvananthapuram to consider and dispose of Ext.P3 application and the execution petition as expeditiously as possible in accordance with law.

With the above direction and observation, the Original Petition (Family Court) is disposed of.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

Bb

[True copy]

P.A to Judge