

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

OP (FC).No. 219 of 2015 (R)

(TO VACATE THE ORDER OF ATTACHMENT DATED 10.02.2014 IN I.A.NO.452/2014 IN
O.P. NO.287/2014 OF THE FAMILY COURT, ERNAKULAM)

PETITIONER(S):

SAM DAVID, AGED 58 YEARS,
S/O.LATE YESUNESAN, NEYYATTUPARAMBIL HOUSE,
PULIYAMKODE, CHEMBAZHANTHI P.O., ULIAZHATHURA VILLAGE,
THIRUVANANTHAPURAM TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 587,
NOW RESIDING AT SAM COTTAGE, PAROTTUKONAM,
NATTANCHIRA P.O., PIN - 695 015.

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ

RESPONDENT(S)/RESPONDENTS:-:

1. SAJITHA .J, AGED 36 YEARS,
D/O.JNANADAS, SAJITHA BHAVAN, THUNDATHIL
P.O.CHENGOTTUKONAM, KARYAVATTOM, THIRUVANANTHAPURAM,
PIN - 695 581.
2. SAM LESLY .Y, AGED 44 YEARS,
SENIOR CIVIL POLICE OFFICER, E8420, AVITTOM,
TC 8/1867-3, THIRUMALA P.O., THIRUVANANTHAPURAM,
PIN - 695 001.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 10-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC).No. 219 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF O.P.NO.287/2014 ON THE FILES OF THE FAMILY COURT, ERNAKULAM FILED BY THE 1ST RESPONDENT.
- EXHIBIT P2. TRUE COPY OF I.A.NO.452 OF 2014 IN O.P.NO.287 OF 2014 ON THE FILES OF THE FAMILY COURT, ERNAKULAM.
- EXHIBIT P3. TRUE COPY OF THE ORDER DATED 10.02.2014 IN I.A.NO.452 OF 2014 IN O.P.NO.287 OF 2014 PASSED BY THE FAMILY COURT, ERNAKULAM.
- EXHIBIT P4. TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER AND THE 2ND RESPONDENT HEREIN IN I.A.NO.452 OF 2014.

RESPONDENT(S)' EXHIBITS

----- : NIL

//True Copy//

P.A. to Judge

SS

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

O.P.(F.C.) No.219 of 2015

Dated this the 10th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

This an application filed by the 2nd respondent in I.A.No.452/2014 in O.P.No.287/2014 of the Family Court, Ernakulam, seeking intervention of this court to invoke the supervisory jurisdiction under Article 227 of the Constitution of India, for an early disposal of that application.

2. It is alleged in the petition that, the first respondent herein filed O.P.No.287/2014 before the Family Court, Ernakulam and filed I.A.No.452/2014 seeking attachment before judgment and the Family Court has passed an interim attachment under Order-38 Rule-5 of the Code of Civil Procedure.

3. Though the petitioner/ first respondent in the Family Court appeared and filed objection, the petition is not being heard and disposed of by the Family Court Judge, that prompted him to file this petition seeking the intervention of this

court.

4. Though respondents 1 and 2 served with notice, there was no appearance for them. We have called for a report from the Family Court and the Family Court, Judge has sent a report stating that none of the parties insisted for an order on merit on the application and the case was posted for trial. Now the case is advanced and posted for hearing of the I.A.No.452/2014 to 06.06.2015 and it is also mentioned that, if parties are co-operating, then the petition can be disposed of on or before 30.06.2015.

5. Under the above mentioned circumstances, we do not find any reason to issue any direction. So the report of the Family Court Judge is accepted and the petition is disposed of accordingly.

Office is directed to communicate this order to the concerned court, immediately.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge