

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

OP (FC).No. 243 of 2015 (R)

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(OP No.92/2011 PENDING BEFORE THE FAMILY COURT,
THIRUVANANTHAPURAM)**

PETITIONER:

**SAJAN PETER,
AGED 69 YEARS, S/O.PETER JOSEPH,
PALLATHU HOUSE, KEETHOLI
KODUNGALLORE, THRISSUR DISTRICT
REPRESENTED BY HIS FATHER AND POWER OF ATTORNEY HOLDER,
PETER JOSEPH, S/O.JOSEPH PALLATHU HOUSE
KEETHOLI KODUNGALLORE, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.N.SASIDHARAN
SRI.RIJO JOY**

RESPONDENTS:

**SUNITHA RAJU
D/O. C.RAJU, T.C 10/2055, SANSAR,
THOZHUVANCODE LANE
VATTIYURKAVU, THIRUVANANTHAPURAM-10.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 09-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AMG

OP (FC).No. 243 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE PHOTOSTAT COPY OF THE OP NO.1537/2009 FILED BEFORE THE FAMILY COURT AT THRISSUR.**
- P2: TRUE PHOTOSTAT COPY OF THE B DIARY PROCEEDINGS ISSUED FROM THE FAMILY COURT**
- P3: TRUE COPY OF THE STAY ORDER DATED 10/7/2014 IN CRL.MP NO.1812/14 IN CRL.APPEAL NO.239/2014.**

RESPONDENT(S)' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

O.P (FC) No. 243 OF 2015

DATED THIS THE 9th DAY OF JUNE, 2015

J U D G M E N T

Abdul Rehim, J:

The petitioner is seeking relief to the extent of directing the Family Court, Thiruvananthapuram to pass final order in OP 92/2011, within a time frame to be fixed. Averments are to the effect that, the OP was filed initially before the Family Court, Thrissur as OP (FC) No.1537/2009, seeking nullity of the marriage solemnised with the respondent on 26-08-2009. The respondent herein is the respondent before the Family Court. Subsequently the OP was transferred to Family Court, Thrissur and re-numbered as OP 92/2011. It is stated that, trial of the above case was completed before the Family Court on 31-10-2013. But no final decision was taken thereafter, instead the parties were directed to appear for attempting settlement. Since no settlement was arrived the matter was heard by

the Family Court and the petitioner filed detailed argument notes on 05-02-2015. Lastly the case was posted on 04-05-2015. But the Family Court, instead of pronouncing the judgment, had adjourned the case again to 10-07-2015, is the allegation. Since the trial was completed as early as in the year 2013 the Family Court need to be directed to pass orders at the earliest, is the contention.

2. We notice that the case before the Family Court was posted lastly on 04-05-2015. Thereafter it was adjourned to 10-07-2015. According to the petitioner the case stands posted only for passing order, because the trial and arguments in the case is over. However, if the petitioner has got any urgency in the matter he could have moved before the Family Court seeking to advance the posting date. Without impressing the court below about urgency of the matter, the petitioner has filed this writ petition seeking to invoke the supervisory jurisdiction vested under Article 227 of the Constitution of India. We do not think it is a fit case to invoke the supervisory

jurisdiction. The petitioner can be given liberty to approach the Family Court itself, seeking an early disposal of the case, by advancing the case. Needless to observe that if any such application is filed before the Family Court, that court will consider the same and will pass appropriate orders.

The above petition is disposed of subject to the observations contained herein above.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge