

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 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

OP (FC).No. 259 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 1575/2014 of FAMILY COURT,
TRIVANDRUM.

PETITIONER(S):

SHERIN DAVID SUSAN, AGED 28 YEARS,
D/O.DAVID THOMAS, 10/836, CHENNINITTA DODS VILLA,
MANNANTHALA, THIRUVANANTHAPURAM-695 015, KERALA.

BY ADVS.SMT.GISA SUSAN THOMAS
SMT.NEENU.P.KUMAR
SMT.K.S.SHALEEJA
SMT. N.LEELAMANI

RESPONDENT(S):

JUDIN BRUNO NETTO, AGED 29 YEARS,
S/O.BRUNO NETTO, TC 34/1452, NIRMALA BHAVAN,
NEAR AIRPORT, VALLAKKADAVU, THIRUVANANTHAPURAM-695 008.
KERALA.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 16-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC).No. 259 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE OP NO.1575/2014 FAMILY COURT,
THIRUVANANTHAPURAM .
- EXT.P2. TRUE COPY OF THE 'B' DIARY PROCEEDINGS IN OP 1575/2014,
FAMILY COURT, THIRUVANANTHAPURAM.
- EXT.P3. TRUE COPY OF THE PASSPORT OF THE PETITIONER
- EXT.P4. TRUE COPY OF THE AIR TICKET OF THE PETITIONER TRAVELLED
ON 15/4/2015.

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

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

O.P.(F.C.) No.259 of 2015

Dated this the 16th day of June, 2015

JUDGMENT

K. Ramakrishnan, J

This is an application filed by the petitioner who is the petitioner in O.P.1575/2014 of the Family Court, Thiruvananthapuram, seeking interference of this court under Article 227 of the Constitution of India, for a speedy disposal of the case.

2. It is alleged in the petition that, the petitioner and respondent are husband and wife and their marriage was solemnized on 26.12.2010 as per custom and thereafter they were living together in their work place at Dubai. There was some misunderstanding occurred between them. Thereafter they came back to India and she filed O.P.No.1575/2014 before the Family Court, Thiruvananthapuram, for dissolution of marriage. Notice

was issued to the respondent and posted for appearance of the respondent to 22.01.2015. Thereafter the case was not taken in the open court. Petitioner has to go to Dubai as she is expected to get a family visa and it will be difficult for her to come back often to adduce evidence as well. Further in order to renew the visa, 'No Objection Certificate' from the respondent has to be obtained, unless respondent appeared and the application is considered, she will be put to serious hardship. So the petitioner has no other remedy, except to approach this court, seeking interference of this court for a direction to the Family Court to dispose of the case at the earliest.

3. Considering the nature of relief claimed, this court felt that, this can be disposed of at the admission stage itself, after hearing the counsel for the petitioner alone.

4. The counsel for the petitioner submitted that, since she has to go back to Dubai as she is expecting an employment there, it is difficult for her to be in India for

long time and for the renewal of the visa also, the appearance of the respondent has to be required to get his 'No Objection', unless interference of this court is made, it is not possible to meet those things done.

5. The case was filed only on 30.10.2014 and notice was ordered and the first appearance was on 22.01.2015. It is not known as to whether the respondent had appeared or not. It is too early at this stage give a direction to the Family court to dispose of the case within a time frame as claimed by the petitioner in the petition. Further there will be number of old cases pending before that court and it is not proper for this court to give direction to dispose of new cases over looking the pendency of the old cases before that court as that will amount to denial of justice to the persons who are standing in the queue, seeking justice before that court. However if the petitioner has not any grievance and she is not able to come to court often as she has to go abroad and her evidence will have to be recorded earlier, then she can resort to Order 18 Rule 16

of the Code of Civil Procedure and if there is an appearance for the respondent and if such an application is filed, it is for that court to consider and pass appropriate orders in that application. If there is appearance for the respondent, then the petitioner files an application directing the respondent to give 'No Objection' for renewal of visa, then that also can be considered by the Family Court and pass appropriate orders in that application at the earliest possible time considering the urgency made out in the application. Except making the above observation, we do not find any reason to give any direction for disposal of the case as requested by the petitioner.

With the above observations, the petition is disposed of. 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