

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

OP (FC).No. 267 of 2015 ()

IN OP 209/2015 of FAMILY COURT, ALAPPUZHA

PETITIONER(S):

**ANEESHA, AGED 31 YEARS
W/O.NAVAS, FAJARUL BAIT (KOTH PARAMBU)
SANATHANAM WARD, ALLEPPEY FROM SALIM MANZIL
VALIAMARAM WARD, ALLEPPEY**

BY ADV. SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENT(S):

**NAVAS, AGED 43 YEARS,
S/O.HASSAN KOYA, PULIMOOTTIL, NAJEENA MANZIL
ZAKKARIA WARD, ALLEPPEY 1**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

OP (FC).No. 267 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 : TRUE COPY OF THE AGREEMENT ENFERED INTO BETWEEN
THE PARTIES BEFORE THE MEDIATION**

**EXT.P2 : TRUE COPY OF THE OP 209/2015 FOR RESTITUION OF
CONJUGAL RIGHTS FILED BY THE PETITIONER BEFORE THE
FAMILY COURT, ALAPPUZHA**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

O.P.(FC).No.267 of 2015

Dated this the 22nd day of June, 2015

JUDGMENT

K.RAMAKRISHNAN, J

This is an application filed by the petitioner seeking interference of this Court under Article 227 of the Constitution of India, for speedy disposal of O.P.No.209/2015 pending before the Family Court, Alappuzha.

2. It is alleged in this petition that the petitioner and the respondent are man and wife. There were certain disputes between them earlier and several cases have been filed and those cases have been settled as per Ext.P1 compromise petition. Contrary to the compromise, the respondent pronounced 'Thalaque' without following the procedure. So the petitioner filed O.P.209/2015 before the Family Court, Alappuzha for restitution of conjugal rights. But that case is being adjourned without any lawful reason. So the petitioner has no other remedy

except to approach this Court seeking the following reliefs.

(i) Issue an order directing the Hon'ble Family Court, Alappuzha to expedite the proceedings in O.P.No.209/2015 and decide the same on merits by fixing a reasonable time.

(ii) Grant such other orders as justice may deem fit and proper under the circumstances of the case.

3. Heard the learned counsel for the petitioner.

4. The only ground alleged in the petition was that the respondent had violated the terms of Ext.P1 agreement and pronounced 'Thalaque' which prompted her to file the petition for restitution of conjugal rights before the Family Court, Alappuzha. The case is of the year 2015. There may be number of older cases than this case will be pending before that court. The petitioner has no case that she had filed the petition for early disposal, stating the reasons for the same before the Family Court, as well. So without approaching that court for that purpose and coming to this Court, for a direction of early disposal cannot be encouraged. So the petition disposed of, with liberty to the petitioner to move the Family Court,

Alappuzha itself, seeking early disposal of the case, stating the urgency for the same and if such an application is filed, the Family Court directed to consider and pass appropriate orders in that application, in accordance with law.

With the above directions and observations, the petition is dismissed. Office is directed to communicate this order to the concern court immediately.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

K.RAMAKRISHNAN, JUDGE

VS