

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 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

OP (FC).No. 272 of 2015 (R)

AGAINST THE ORDER IN OP 212/2010 of FAMILY COURT,
KOLLAM, DATED 26.04.2013.

PETITIONER(S):

1. PREMANAND, AGED 36 YEARS,
S/O.RAMACHANDRAN NAIR, EASWARA VILASAM HOUSE,
VADAKKEVILA CHERRY, VADAKKEVILA VILLAGE, KOLLAM.
2. KAMALAMMA, AGED 65 YEARS,
W/O.RAMACHANDRAN NAIR, EASWARA VILASAM HOUSE,
VADAKKEVILA CHERRY, VADAKKEVILA VILLAGE, KOLLAM.
3. ANITHA, AGED 37 YEARS,
D/O.KAMALAMMA, EASWARA VILASAM HOUSE,
VADAKKEVILA CHERRY, VADAKKEVILA VILLAGE, KOLLAM.

BY ADVS.SMT.T.S.MAYA (THIYADIL)
SRI.K.RAJEEV (THIYADIL)
SMT.K.A.SUNITHA

RESPONDENT(S):

BEENA DEVI, AGED 31 YEARS,
D/O.SHARADAYAMMA, SARADA MANDIRAM, MADATHARA,
MOTTAKKAL MURI, THEVALAKKARA VILLAGE, 690 524.

BY ADV. DR.K.P.PRADEEP

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 08-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC).No. 272 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE OP 1481/13 (OLD NO.212/10 PENDING BEFORE
FAMILY COURT, CHAVARA.**

**EXHIBIT P2. COPY OF THE WRITTEN STATEMENT FILED BY PETITIONERS IN
EXT.P1.**

**EXHIBIT P3. COPY OF THE DISMISSAL ORDER DATED 26.4.13 BY THE FAMILY
COURT, KOLLAM IN OP 212/10.**

RESPONDENT(S)' EXHIBITSNIL: NIL

// True Copy//

P.A. to Judge

ss

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

O.P.(F.C.) No.272 of 2015

Dated this the 8th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioners are the respondents in O.P.No.1481/2013 pending before the Family Court, Chavara. The case was instituted by the respondent seeking for return of money and gold ornaments. It was originally instituted before the Family Court, Kollam as O.P.No.212/2010. It is stated that the petitioners have filed written statement in the case as early as in October 2011 and the case was transferred at the time when it was ripe for trial. It is alleged that the respondent is not interested in prosecuting the case and she seldom appear before the Family Court. Once the case was dismissed for default of the respondent, on 26.04.2013. But it was restored thereafter and transferred to the Family Court, Chavara. It is stated that the first petitioner is a Government employee and the frequent postings in the case is causing difficulty to him. Further it is

apprehended that he may get a transfer during this year. It is also mentioned that the 2nd petitioner is an aged lady suffering from various illness and the 3rd petitioner, who is the sister of the first petitioner, is unnecessarily dragged on to this case. Under the above mentioned circumstances, the petitioners are approaching this court seeking direction for an early disposal of the case pending before the Family Court, by invoking supervisory jurisdiction vested by this court under Article 227 of the Constitution of India.

2. Despite service of notice from this court, the respondent has not chosen to enter appearance or contest the case. A report was called for from the Family Court, Chavara. The learned Judge had reported that O.P.No.1481/2013 stands posted for hearing on 03.07.2015 along with I.A.No.361/2015, filed seeking to amend the O.P. It is further reported that six months time is required for disposal of the case.

3. This court takes note of the report submitted by the Family Court expressing willingness to dispose of the matter within a period of six months. On that basis the writ petition is hereby disposed of by directing the Family Court, Chavara to

take earnest efforts for an early disposal of the matter, within the time mentioned as above.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy //

P.A. to Judge

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