

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 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

OP (FC).No. 278 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OPGW 2269/2014 of FAMILY COURT,
ERNAKULAM.

PETITIONER(S)/PETITIONER:

JOSEPH P.ABRAHAM, AGED 80 YEARS,
S/O.LATE ABRAHAM, PADINJAREMURIYIL HOUSE, ELIKULAM.P.O.,
POOVARANEY VIA.,
KOTTAYAM DISTRICT(EARLIER RESIDING AT 6083,
SUNSET VISTA DRIVE, LAKELAND, FLORIDA-33812,
USA).

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENT(S)/RESPONDENT:

THANKAMMA C.ABRAHAM,, AGED 60 YEARS,
D/O.LATE CHERIAN.V.J, VALLAPPURAKKAL VEEDU,
THRIPTHI LANE, CHAMPAKKARA, MARADU.P.O.,
ERNAKULAM DISTRICT - 682 011.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 30-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC).No. 278 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 THE TRUE COPY OF THE PETITION FILED BY THE PETITIONER IN O.P
(G&W)NO.2269/2014 BEFORE THE FAMILY COURT,ERNAKULAM
- P2 THE TRUE COPY OF THE INTERLOCUTORY APPLICATION IN O.P.(G&W)
NO.2269/2014 ON THE FILE OF FAMILY COURT,ERNAKULAM.

RESPONDENT(S)' EXHIBITS

: NIL

//True Copy//

P.A.to Judge

SS

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

O.P.(F.C.) 278 of 2015

Dated this the 30th day of June, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner herein is the petitioner in O.P.(G & W)No.2269/2014 on the file of the Family Court, Ernakulam. Respondent herein is the first respondent before the Family Court, who is the wife of the petitioner.

2. Case before the Family Court is one instituted seeking custody of the minor child of the parties, namely, Ashish J. Abraham, who is allegedly suffering from down syndrome. Ext.P2 is an interlocutory application filed by the petitioner in the above said case seeking permission from the Family Court to take the child to United States of America to appear before the Disability Determination Services (DDS) or at the Social Security for the purpose of Individualized Functional Assessment, in order to avail

benefits for disabled persons. Petitioner is approaching this court seeking direction to the family Court to dispose of Ext.P2 application, expeditiously, within a time limit to be stipulated. It is avered that, unless Ext.P2 application is considered on an early basis, the minor child will be prevented from appearing before the authority concerned at United States of America and thereby he will be deprived of the benefits which are expected.

3. We take note of the fact that Ext.P2 interlocutory application was filed only during 2nd week of June 2015. Learned counsel for the petitioner submits that the interlocutory application has already been numbered as I.A.No.2370/2015 and it is posted along with the original petition for consideration on 03.07.2015. It is left open to the petitioner to apprise the Family Court with respect to urgency of the matter and the need for considering the interlocutory application on an early basis. We find no reason to presume that if the urgency is apprised, the

Family Court will not consider the I.A. on an early basis.

Leaving liberty to the petitioner to apprise the Family Court about the urgency and directing the Family Court to take into consideration of such appeal if any made, the above writ petition is hereby disposed of.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge