

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

OP(FC).No. 285 of 2015 (R)

IN OP 78/2015 of FAMILY COURT, KOZHIKODE

PETITIONER(S)/PETITIONER :

**HARSHAD, AGED 30 YEARS
S/O.MUHAMMAD UNNI, "SHAMILA", KONARATH HOUSE
THIRUVATHARA, CHAVAKKAD, THRISSUR DISTRICT**

BY ADV. SRI.M.M.ABDUL RAHIMAN

RESPONDENT(S)/RESPONDENT :

**FATHIMA SERIN
D/O.K.V. ANWAR, 1/4535, KANDOTH HOUSE
BILATHIKKULAM, ERANHIPPALAM, KOZHIKODE
PIN 673006**

R1 BY ADV. SRI.C.P.MOHAMMED NIAS

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (FC).No. 285 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 : TRUE COPY OF THE IA.NO.104/2015 IN OP.NO.78/2015 ON
THE FILE OF THE FAMILY COURT, KOZHIKODE FILED BY
THE PETITIONER**

**EXT.P2 : TRUE COPY OF THE ORDER DATED 09.04.2015 IN IA.NO.
104/2015 IN OP.NO.78/2015 OF THE FAMILY COURT, KOZHIKODE**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

**C.K.ABDUL REHIM, &
MARY JOSEPH, JJ.**

O.P.(FC).No.285 of 2015

Dated this the 10th day of September, 2015

JUDGMENT

C.K.Abdul Rehim, J.

This original petition is filed invoking jurisdiction vested on this Court under Article 227 of the Constitution of India, challenging Ext.P2 interim order passed by the Family Court, Kozhikode.

2. The petitioner herein is the petitioner in O.P.No.78/2015 on the files of the Family Court, Kozhikode. He had approached the Family court by filing IA.No.104/2015(Ext.P1) seeking relief to the extent of permitting him to have visitation to the minor child named, Zayan Harshad, for 3 hours. While considering the said interim application the Family court passed Ext.P2 order allowing the petitioner to have access to the

child in the court premises from 2 p.m. to 4 p.m. on 10.04.2015, as agreed upon by both sides. According to the petitioner, the Family court went erred in passing Ext.P2 order limiting the permission only for one day. It is mentioned in this original petition that the petitioner had sought permission to meet the child at least for 3 hours on every month. But the Family court had failed to consider such request, is the contention. But on a reading of Ext.P1 interim application it is evident that there is no such relief sought for to have access of the child on every month for 3 hours.

3. Under such circumstances, we do not find that any error has been committed by the Family court. There is no erroneous exercise of the jurisdiction vested on that court, in order to attract any interference by invoking visitorial jurisdiction vested on this Court under Article 227 of the Constitution of India. Hence the original petition deserves no merits and the same is accordingly dismissed.

We make it clear that the petitioner will be at liberty to approach the Family court in appropriate petition seeking modification of the visitorial right.

Sd/-
C.K.ABDUL REHIM,
JUDGE

Sd/-
MARY JOSEPH,
JUDGE

VS

/TRUE COPY/

PA TO JUDGE