

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 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

OP (FC).No. 294 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 2011/2011 of FAMILY COURT,
TRIVANDRUM.

PETITIONER(S):

1. BINU S., AGED 35 YEARS,
S/O.SWAMY, VIJAYA BHAVAN, KALAY,
ARAYOOR, CHENKAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.
2. VIJAYAKUMARI, AGED 67 YEARS,
D/O.JANAMMA, VIJAYA BHAVAN, KALAY,
ARAYOOR, CHENKAL VILLAGE, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV.SRI.P.ANOOP (MULAVANA)

RESPONDENT(S):

1. DUSHARA KUMARI,
D/O.JAGADAMMA, GAYASINDHU BHAVAN, VATTAVILA P.O.,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.
2. ABIJITH BINU, MINOR AGED 9 YEARS,
S/O.DUSHARA KUMARI,
REPRESENTED BY MOTHER DUSHARA KUMARI,
GAYASINDHU BHAVAN, VATTAVILA P.O.,
NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC) .No. 294 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

:

EXHIBIT P1. COPY OF THE PETITION NO.2011/11 FILED BY THE
RESPONDENTS FOR RECOVERY OF MONEY AND GOLD ORNAMENTS
BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM.

EXHIBIT P2. COPY OF THE WRITTEN STATEMENT IN EXT.P1 DATED 10.4.13
FILED BY THE 1ST PETITIONER.

RESPONDENT(S) ' EXHIBITS

: NIL

//True Copy//

P.A. To Judge

SS

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

O.P.(F.C.) No.294 of 2015

Dated this the 15th day of July, 2015

JUDGMENT

K. Ramakrishnan, J

This is an application filed by the petitioners seeking a direction of the Family Court, Thiruvananthapuram, for speedy disposal of O.P.No.2011/2011 pending before that court under Article 226 of the Constitution of India.

2. It is alleged in the petition that, respondents herein filed O.P.No.2011/2011 before the Family Court, Thiruvananthapuram, who are the wife and child of the first petitioner and that O.P. was filed for recovery of money and gold ornaments and also for past and future maintenance. Written statement has been filed in that case. Though it was posted for evidence, no attempt was made by the Family Court to dispose of the case. Thereafter, it was posted to 16.07.2014 to file joint trial petition by the first respondent

to have joint trial of all the connected cases pending and the case was posted to 08.08.2014. So far no application has been filed for a joint trial. The case is being adjourned without any purpose. So the petitioner has no other remedy except to approach this court, seeking the following reliefs:

a) Direct the Family Court, Thiruvananthapuram to dispose of O.P.No.2011/2011 as expeditiously as possible within a time limit fixed by this Hon'ble Court.

b) Grant such other relief deemed fit to this Hon'ble Court.

3. On the basis of the allegations, a report has been called for from the Family Court, Thiruvananthapuram and the Family Court, Thiruvananthapuram sent a report dated 09.07.2015 wherein it was mentioned that O.P.No.1889/2013 was posted to 23.07.2015 for evidence and O.P.No.2011/2011, pre-trial steps were not completed and it is posted to 29.07.2015. No joint trial petition has been filed, for trying these cases together. It is further mentioned in the report that, six months time is granted

after completing the steps, the cases could be disposed of. So under the circumstances, we feel that there is no necessity to issue any direction as such as requested in the petition and the report of the Family Court can be recorded and the petition can be disposed of, directing the Family Court to comply with the undertaking mentioned in the report for the disposal of the case.

With the above direction and observation, 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