

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP (FC).No. 297 of 2015 (R)

(OP 519/2014 ON THE FILE OF FAMILY COURT, PALAKKAD

PETITIONER

**PREEJA CHANDRAN,
AGED 29 YEARS, D/O. CHANDRAN,
POURNAMI, SHASTA COLONY, MALAMPUZHA,
PALAKKAD, PIN-678 651.**

**BY ADVS.SRI.V.A.JOHNSON (VARIKKAPPALLIL)
SRI.V.SHANMUGHANANDAN**

RESPONDENT:

**RAJAN,
AGED 40 YEARS, S/O. NAGAN,
KRISHNAKRIPA, KARIMBA,
ERUMANI, MANNARKKAD,
PALAKKAD, PIN-678 597**

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

OP (FC) No.297/2015.

APPENDIX

PETITIONER'S EXHIBITS

EXT- P1- TRUE COPY OF OP No.519/2014 ON THE FILE OF THE FAMILY COURT,
PALAKKAD DATED 26-07-2014.

EXT- P2- TRUE COPY OF OP No.713/2013 ON THE FILE OF THE FAMILY COURT,
PALAKKAD DATED 26-06-2013.

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

OP(FC).No. 297 of 2015

Dated this the 3rd day of July, 2015

JUDGMENT

K.Ramakrishnan,J.

Respondent in OP.No.519/2014 on the file of the Family Court, Palakkad has approached this court seeking interference under Article 227 of the Constitution of India. It is alleged in the petition that OP.No.519/2014 of the Family Court, Palakkad was filed by the respondent herein seeking certain monetary reliefs. The respondent also earlier filed OP.No.713/2013 for similar purpose in which he had asked for decree of money. According to the petitioner, two petitions were filed on the very same reliefs. So according to the petitioner the 2nd petition is not maintainable.

2. Heard counsel for the petitioner .

3. In view of the pendency of the OP that has to be considered by the Family Court after hearing both sides and the maintainability cannot be decided by this court straight away

without raising the question before the court below invoking Article 227 of the Constitution of India . So under the above mentioned circumstances, we dismiss the petition with liberty for the petitioner to raise such contention before the Family Court. If such contention is raised the same shall be considered by the Family Court and pass appropriate orders in accordance with law.

Issue photo copy of this judgment to the counsel for the respondent.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

