

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. 298 of 2015 (R)

AGAINST THE ORDER IN OP 35/2015 of FAMILY COURT, IRINJALAKUDA
AGAINST THE ORDER IN OP 820/2013 of FAMILY COURT, IRINJALAKUDA
AGAINST THE ORDER IN OP 1107/2012 of FAMILY COURT, IRINJALAKUDA

PETITIONERS/PETITIONERS/RESPONDENTS:

1. LIKHIL T.G., AGED 70 YEARS,
S/O.GOVINDAN, THAIPARAMBIL HOUSE, MUTTITHADI,
P.O.KALLUR, AALANGAD, MUKUNDAPURAM TALUK,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER
GOVINDAN, S/O.SANKUNNI, THAIPARAMBIL HOUSE,
MUTTITHADI, P.O.KALLUR, AALANGAD,
MUKUNDAPURAM TALUK.

2. GOVINDAN,
S/O.SANKUNNI, THAIPARAMBIL HOUSE, MUTTITHADI,
P.O.KALLUR, ALANGAD, MUKUNDAPURAM TALUK.

3. RATHNABHAI,
W/O.GOVINDAN, THAIPARAMBIL HOUSE, P.O.KALLUR,
ALANGAD, MUKUNDAPURAM TALUK.

BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENT/RESPONDENT/PETITIONER:

RAKHI V.R.,
D/O.RAMAKRISHNAN, VAKAYIL HOUSE, ASHTAMICHIRA,
P.O.MALA, MUKUNDAPURAM TALUK. 680732.

BY ADV. SRI.A.T.ANILKUMAR

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

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1- TRUE COPY OF O.P. NO.1107/2012 PENDING BEFORE FAMILY COURT,
IRINJALAKUDA.

EXHIBIT P2- TRUE COPY OF O.P. NO.820/2013 PENDING BEFORE FAMILY COURT,
IRINJALAKUDA.

EXHIBIT P3- TRUE COPY OF O.P. NO.35/2015 PENDING BEFORE FAMILY COURT,
IRINJALAKUDA.

EXHIBIT P4- TRUE COPY I.A. NO.993/2013 IN O.P. NO.820/2013 OF THE
FAMILY COURT, IRINJALAKUDA.

EXHIBIT P5- TRUE COPY OF ORDER DATED 20/05/2015 PASSED BY FAMILY COURT,
IRINJALAKUDA IN IA. NO.993/2015 IN O.P. NO.820/2013.

RESPONDENT'S EXHIBITS:NIL

/TRUE COPY/

P.S TO JUDGE

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

.....
OP(FC)No.298 of 2015
.....

Dated this the 15th day of July, 2015.

JUDGMENT

Ramakrishnan, J:

This original petition is filed by the petitioners challenging the order in IA.No.993/2015 in OP.No.820/2013 dismissing the application for joint trial under Article 227 of the Constitution of India.

2. It is alleged in the petition that the first petitioner and the respondent are husband and wife and petitioners 2 and 3 are the parents of the first petitioner. OP.No.1107/2012 was filed by the first petitioner against the respondent seeking a decree for dissolution of marriage. OP.No.820/2013 was filed by the respondent/wife against the petitioners for a decree for return of gold ornaments and cash. OP.No.35/2015 was filed by the respondent/wife for a decree for permanent prohibitory injunction restraining the petitioners from forcibly evicting her from the matrimonial house. According to the petitioners, since all these cases are interconnected and the nature of evidence to be adduced is the same, they have to be tried jointly. So they filed IA.No.993/2015 in OP.No.820/2013 for

joint trial of all theses cases and the learned Family Court by Ext.P5 order dismissed that application, which is being challenged by filing the above writ petition by the petitioners.

3. Sri. A.T.Anil Kumar entered appearance for the respondent.

4. Heard counsel for the petitioners and the respondent.

5. We have called for a report from the Family Court regarding the stage of the case and the Family Court had sent a report dated 8.7.2015 in which it is mentioned that in OP.No.1107/2012 trial has already been started and five witnesses were examined and OP.No.820/2013 was posted for examination of the petitioners to 15.7.2015 and in OP.No.35/2015 counselling was completed and it is posted to 16.7.2015 for filing objections. So under the circumstances, we do not find any illegality committed by the court below in dismissing the application for joint trial of OP.No.1107/2012 in which trial has already been started along with other two cases and in one case pleadings are yet to be completed. Counsel for the petitioners submitted that he may be given liberty to file an application for joint trial of other two cases and OP.No.1170/2012 may be tried separately. If the petitioners

apply for joint trial of OP.No.820/2013 and OP.35/2015 before the Family Court, then Family Court is at liberty to consider that application and pass appropriate orders in accordance with law.

With the above directions and observations, this petition is dismissed.

Sd/-

C.K.ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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