

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

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

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**OP (FC).No. 305 of 2015 (R)**  
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**IN OPDIV 213/2015 of FAMILY COURT, PATHANAMTHITTA**  
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**PETITIONER(S) :**  
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**JOSEPH MATHEW, AGED 44 YEARS  
SRAMBICKAL HOUSE, KALLOOPARA P.O., MALLAPPALLY  
PATHANAMTHITTA DISTRICT 689 583.**

**BY ADVS.SRI.V.PHILIP MATHEW  
SRI.GIBI.C.GEORGE  
SRI.E.RADHAKRISHNAN**

**RESPONDENT(S):**  
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**MANCHU ELIZABETH JOSEPH, AGED 34 YEARS  
D/O.M.P.MATHEW, MAAKKAL HOUSE, THOTTAMON P.O., RANNI  
PATHANAMTHITTA DISTRICT 689 673.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON  
23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**VS**

**OP (FC).No. 305 of 2015 (R)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1 : COPY OF O.P.(DIV) NO.886/2013 (NOW NUMBERED AS  
OP(DIV) NO.213/2015)**

**EXTP2 : COPY OF OP NO.1119/2013**

**EXTP3 : COPY OF M.C NO.211/2013.**

**EXTP4 : COPY OF ORDER DATED 2/2/2015 PASSED BY THIS  
HON'BLE COURT IN TRANSFER PETITION NO.66/2015.**

**EXTP5 : COPY OF COMMUNICATION DATED 9/3/2015**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

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

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**O.P(FC).No.305 of 2015**  
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Dated this the 23<sup>rd</sup> day of July, 2015

**JUDGMENT**

C.K.Abdul Rehim, J.

Petitioner is invoking jurisdiction vested on this Court under Article 227 of the Constitution of India for a direction to dispose of O.P.(Div).No.213/2015 pending on the files of the Family Court, Pathanamthitta, within a time limit to be stipulated.

2. The Original Petition before the Family Court was instituted by the petitioner seeking dissolution of the marital relationship existing with the respondent. The case was originally instituted before the Family Court, Thiruvalla, as O.P.(Div)No.886/2013. The respondent filed another case before the Family Court, Pathanamthitta as O.P.No.1119/2013, seeking restitution of conjugal rights. She had also instituted yet another case as M.C.No.211/2013 before the same court, seeking maintenance from the petitioner. Based on an application

for transfer filed by the petitioner before this Court, O.P.(Div).No.886/2013 was ordered to be transferred to the Family Court, Pathanamthitta. Accordingly, the case was transferred and renumbered as O.P.(Div).No.213/2015 before the Family Court, Pathanamthitta. It is avered that, pleadings in the said case stands completed and the case is ripe for trial. Since the Original Petition was initially filed in the year 2013, the petitioner is seeking a direction for early disposal of the matter.

3. In view of the relief proposed to be granted, we have not issued notice to the respondent. This Court had called for a report from the Family Court, Pathanamthitta, with respect to the present stage of all the three cases and about the maximum time required for disposal of the cases.

4. In a report submitted by the Presiding Officer of the Family court, Pathanamthitta, dated 15.07.2015, it is mentioned that the cases, M.C.No.211/2013 and O.P.No.1119/2013 stands posted to 21.07.2015 for filing objections of the petitioner herein. It is stated that in

O.P.No.213/2015 proof affidavit was already filed in lieu of the examination in Chief of the petitioner herein. The respondent had filed objection with a petition to accept the same. The Family court is of the opinion that all the three cases are to be tried together and to be disposed of through a common judgment, considering the ends of justice. It is stated that pre-trial steps have to be completed by the respective parties to start trial of all the cases together. However, learned Judge of the Family court had expressed the view that, if the parties to the litigation co-operate in taking effective steps within a reasonable time, all the three cases can be finally disposed of at the most within a period of seven months.

5. Noticing the report as mentioned above, this Court is of the opinion that this writ petition can be disposed of by directing the Family court to take earnest efforts to dispose of the cases at the earliest possible. The petitioner should file appropriate application seeking joint trial of all the cases. Both the parties should take necessary steps to complete the pre-trial steps without

any further delay. We take note on record the report submitted by the Family Court regarding the time limit for disposal of the matters.

Hence this writ petition is disposed of by accepting the said report.

**C.K.ABDUL REHIM, JUDGE**

**K.RAMAKRISHNAN, JUDGE**

VS