

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 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

OP (FC).No. 313 of 2015 (R)

AGASNT THE ORDER IN OP.NO.634/2013 OF FAMILY COURT, TIRUR.

PETITIONER:

FATHIMATH SUHARA K.K., AGED 25 YEARS,
AGED 25, D/O.HAMSA KALLAYI, ARICHOL MANZIL,
PUTHUR(P.O.), KOTTAKKAL, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.V.A.AJIVASS

RESPONDENT/COUNTER PETITIONER:

1. NOUFAL C.H.,
AGED 29 YEARS, S/O. ISMAYIL HAJI,
CHAPILAKATH HOUSE
KAKKAD(P.O.), THIRURANGADI TALUK,
MALAPPURAM DISTRICT-676306.
2. SHAMA, AGED 25 YEARS,
W/O. NOUFAL, CHAPILAKATH HOUSE, KAKKAD(P.O.)
THIRURANGADI TALUK, MALAPPURAM DISTRICT-676306.

R1-R2 BY ADV. SRI.K.RAKESH

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

.....
O.P.(FC)No.313 of 2015
.....

Dated this the 21st day of August, 2015.

JUDGMENT

Ramakrishnan,J:

The petitioner herein is challenging Ext.P6 order in I.A.No.894/2015 in O.P.No.634/2013 of the Family Court, Tirur under Article 227 of the Constitution of India. This is relating to an application filed by the father seeking interim custody of the children on 13.6.2015 and 14.6.2015. After considering the contentions of both the parties, Family Court by Ext.P6 order allowed the relief, which is being challenged by the petitioner by filing this petition.

2. When the application came up for hearing today, counsel for the petitioner submitted that since the period mentioned in the order has already been expired, the relief claimed has become infructuous.

3. Counsel for the respondents submitted that order has not been complied with. Since the period sought for in the petition has already been expired, there is nothing survives to be considered by this Court in this writ petition. However, we

make it clear that this will not affect the right of the respondents to move the family court seeking appropriate relief for getting interim custody on later occasion if necessity arises and the family court passing appropriate orders in that application in accordance with law.

With the above observations, this petition is dismissed as infructuous.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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