

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 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

OP (FC).No. 318 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 116/2013
OF FAMILY COURT, KOLLAM.

PETITIONER(S) :

RAJ SEKCHAR R., AGED 52 YEARS,
LEKSHMI, VIKAS NAGAR, PATTATHANAM P.O.,
KOLLAM.

BY ADVS.SRI.N.SUKUMARAN (SR.)
SRI.S.SHYAM
SRI.N.K.KARNIS
SRI.JOY SEBASTIAN
SRI.SAJI VARGHESE KAKKATTUMATTATHIL

RESPONDENT(S) :

DEEPTI RAJAN,
PRAKASH MANDIRAM, VENKULAM P.O., EDAVA,
NOW RESIDING AT BLOCK NO.09-94-166, BISHAN STREET-12,
SINGAPORE-570 101,
REPRESENTED BY POWER OF ATTORNEY HOLDER
SINDHU PRAKASH, 'VISAKH', T.C. 5/2550-1,
GOLF LINKS ROAD, KOWDIYAR, THIRUVANANTHAPURAM,
PIN-695 001.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC) .No. 318 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

:

P1 : TRUE COPY OF THE PETITION DATED 23-1-2013 NUMBERED AS OP
(HMA)NO.116 OF 2013 PENDING BEFORE THE FAMILY COURT, KOLLAM.

P2 : TRUE COPY OF THE PETITION FILED BY THE RESPONDENT IN EXT P2
CASE DATED 12-5-2014.

P3 : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO EXT P2
DATED 13-10-2014.

RESPONDENT(S) ' EXHIBITS

:

NIL

//True Copy//

P.A. to Judge

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

O.P.(F.C.) No.318 of 2015

Dated this the 29th day of July, 2015

JUDGMENT

K. Ramakrishnan, J

This original petition is filed by the petitioner seeking intervention of this court under Article 227 of the Constitution of India, for early disposal of O.P.No.116/2013 pending before the Family Court, Kollam.

2. The petitioner and respondent are husband and wife. The marriage was solemnized on 06.04.2009 at Kollam and they lived together as husband and wife in Melbourne, Australia till 24.12.2012. Thereafter according to the petitioner, he filed O.P.(HMA) No.116/2013 before the Family Court, Kollam, for divorce on the ground of cruelty. Respondent though appeared did not file any counter statement, but her power of attorney holder has filed Ext.P2 petition as I.A.No.907/2014 raising a contention that Ext.P1 petition filed by the petitioner for divorce is not maintainable before that court and the court below is not

either considering the petition, questioning the entertainment of the application before that court or proceeded with the case. So the petitioner has no other remedy, except to approach this court seeking the intervention of this court, for early disposal of Ext.P2 petition or dispose of the original petition.

3. Though notice on admission was ordered and it was sent with a hearing date on 27.07.2015, none appeared for respondent. Considering the nature of relief claimed in the petition, we have called for a report from the Family Court, Kollam, and the Family Court, Kollam has sent a report dated 24.07.2015 stating that, since none of the parties have insisted for hearing the application, it is being posted along with original petition. It is also mentioned in the report that Ext.P2 application, I.A.No.907/2014, will be disposed of within two months, provided the parties co-operative for that purpose. Now the O.P. is posted to 03.09.2015. Considering the fact that

the application has already been filed, questioning the maintainability of the petition before that court, court has got a duty to consider and dispose of that application at the earliest. So accepting the report of the Family Court, we feel that the writ petition can be disposed of, directing the Family Court to dispose of the application as undertaken in the report within the time frame mentioned therein, after advancing hearing of the I.A., which is now posted to 03.09.2015, by giving notice to both the counsel appearing in the matter and dispose of the application at the earliest within the time frame mentioned in the report.

With the above direction and observation, the writ petition is disposed of. Office is directed to communicate this order to the concerned Family Court, immediately.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge