

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 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

OP (FC).No. 324 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 1453/2013
OF FAMILY COURT, KOLLAM

PETITIONER(S) :

SHIHANA, AGED 22 YEARS,
D/O.M.V.NAJEEB, SHIBIN NIVAS, ITHIRAKKARA,
MYLAKKADU P.O., ADICHANALLOOR VILLAGE, KOLLAM.

BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA
SMT.RENY ANTO

RESPONDENT(S) :

A.ABDUL HABEEB, AGED 27 YEARS,
S/O.ASSANARUKUNJU, KATTILPUTHEN VEETIL,
VADUTHALACHERRY, PANMANA VILLAGE, PUTHENCHANDA P.O.,
CHAVARA.

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC) .No. 324 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

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EXHIBIT P1. THE COPY OF THE OP NO.1453/2013 FILED BY THE
PETITIONER BEFORE THE FAMILY COURT, KOLLAM.

EXHIBIT P2. THE COPY OF THE OP NO.355/2014 FILED BY THE RESPONDENT
BEFORE THE FAMILY COURT, KOLLAM FOR RESTITUTION OF
CONJUGAL RIGHTS.

RESPONDENT(S) ' EXHIBITS

: NIL

//True Copy//

P.A. to Judge

SS

C.K. ABDUL REHIM &

K. RAMAKRISHNAN, JJ.

O.P.(F.C.) No.324 of 2015

Dated this the 30th day of July, 2015

JUDGMENT

K. Ramakrishnan, J

This original petition is filed by the petitioner seeking a direction to be issued to the Family Court, Kollam to dispose of O.P.No.1453/2013 pending before that court within a time bound manner under Article 227 of the Constitution of India.

2. It is alleged in the petition that the petitioner filed O.P.No.1453/2013 before the Family Court, Kollam, to declare the marriage which was registered between the petitioner and respondent as null and void. The respondent appeared and pleadings are completed. The pre-mandatory counselling and mediation is over. It is now posted for evidence. Respondent is trying to protract the matter. The petitioner has completed B.Tech and awaiting an offer letter as software Engineer in Bangalore.

On account of the pendency of the case, she is not able to undertake her employment outside Kerala. So she has no other remedy except to approach this court, seeking a direction to the lower court for speedy disposal of the case.

3. Though notice was served on the respondent, there is no appearance. We have called for the report from the Family Court, Kollam and the Family Court, Kollam had sent a report dated 25.07.2015 stating that there are more than 20 cases pending in which similar directions issued from this court for speedy disposal and trial of those cases are in progress. It is also mentioned in the report that total number of cases targeted for the year is 1131 and on account of direction of disposal of new cases, they are not able to achieve the target. The respondent herein filed O.P.No.355/2014 for Restitution of Conjugal Rights and both these cases are to be tried together. However, it is also mentioned in the report that, in O.P.No.355/2014, objection has been filed and it is ripe for trial. But in O.P.No.1453/2013 objection has not been filed. It is also

mentioned in the report that both these cases can be disposed of within six months, after filing of objection in O.P.No.1453/2013, provided the parties co-operate.

4. It may mentioned here that O.P.No.1453/2013 is an old case compared to O.P.No.355/2014 where pleadings are completed and it is ripe for trial. So court below is directed to take earnest effort to see that pleadings are completed in O.P.No.1453/2013 as well and dispose of both the cases as expeditiously as possible at any rate within six months from the date of receipt of this order.

With the above direction and observation, the petition is disposed of.

Sd/-
C.K. Abdul Rehim, Judge

Sd/-
K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge