

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

**PRESENT:**

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

**MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937**

**OP (FC).No. 325 of 2015 (R)**  
-----

**PETITIONER(S):**  
-----

- 1. FR.DANIEL KODIYATTU, AGED 66 YEARS  
S/O.KOCHITTY VARGHESE, KODIYATTU HOUSE  
AVANEESWARAM R.S.P.O, VIA.KUNNICODE, VILAKUDY VILLAGE  
PATHANAPURAM TALUK, KOLLAM DISTRICT.**
- 2. MRS. SOMY DANIEL (AGED 58 YEARS)  
W/O. FR.DANIEL KODIYATTU, DO. DO. DO.**

**BY ADV. SRI.H.RAMANAN**

**RESPONDENT(S):**  
-----

**SHYNI TABRAHAM  
D/O. T.C.ABRAHAM, THUNDATHIL HOUSE, EDAKKULAM P.O.  
RANNY PANCHAYATH, RANNY VILLAGE, RANNY TALUK  
PATHANAMTHITTA DISTRICT.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON  
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**VS**

**OP (FC).No. 325 of 2015 (R)**  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

- EXT.P1 - TRUE COPY OF ORDER 03.12.12 IN IA NO.1959/2012 OF THE FAMILY COURT KOTTARAKKARA.**
- EXT.P2 - TRUE COPY OF IA 767/13 DT.04.05.13 FILED BY PETITIONERS.**
- EXT.P3 - TRUE COPY OF IA 163/2015 DT. 09.02.15 FILED BY PETITIONERS**
- EXT.P4 - TRUE COPY OF OBJECTION DT. 02.03.15 FILED BY RESPONDENTS AGAINST EXT.P3**

**RESPONDENT(S)' EXHIBITS**  
-----

**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

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

-----  
**O.P.(F.C).No.325 of 2015**  
-----

Dated this the 20<sup>th</sup> day of July, 2015

**JUDGMENT**

K.Ramakrishnan, J.

The petition was filed by the petitioners seeking a direction to the Family court, Kottarakara for early disposal of Ext.P3 within a time frame under Article 227 of the Constitution of India.

2. The allegation was that the court below has not passed any orders in that application. On the basis of allegation, we called for a report from the Family court, Kottarakara and the family court sent a report dated 17.07.2015, in which it was mentioned that Ext.P3 I.A.No.163/2015 was dismissed as not pressed on the basis of an endorsement made by the learned counsel for the petitioner himself.

Under such circumstances, the relief claimed in

the petition does not survive for consideration and the petition is dismissed accepting the reports of the Family court.

Sd/-  
**C.K.ABDUL REHIM, JUDGE**

Sd/-  
**K.RAMAKRISHNAN, JUDGE**

VS