

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

OP (FC).No. 326 of 2015 (R)

(IA.NO.1922/2013 IN OP.NO.898/2013 OF THE FAMILY COURT, TVM.

PETITIONER(S):CLAIM PETITIONER

ARUN SADASIVAN AGED 36 YEARS
S/O.COL.A.SADASIVAN, TC 17/1410, SANGEETHA
POOJAPPURA, THIRUVANANTHAPURAM.

BY ADVS.SRI.R.GOPAN
SRI.SHAJIN S.HAMEED

RESPONDENTS: RESPONDENTS

- 1. PRIYANKA PANKAJ
D/O.K.K.PANKAJASHAN, 2M, COTTON HILL HEIGHTS
VAZHUTHACAUD, THIRUVANANTHAPURAM 695 010.
2. ARVIND SADASIVAN
S/O.COL.A.SADASIVAN, TC 17/1410, SANGEETHA
POOJAPPURA, THIRUVANANTHAPURAM 695 012.

R1 BY ADV. SRI.PHILIP J.VETTICKATTU
R1 BY ADV. SRI.B.PREMNATH (E)
R2 BY ADV. SRI.N.S.GOPAKUMAR
R2 BY ADV. SRI.R.S.MOHANAN NAIR

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 326 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE PETITION IN OP 898/13 FILED BY THE 1ST RESPONDENT AGAINST THE 2ND RESPONDENT BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM.

EXHIBIT P2. COPY OF THE PETITION IN IA 1922/13 IN OP 898/13 OF THE FAMILY COURT, THIRUVANANTHAPURAM.

EXHIBIT P3. COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT TO IA 1922/13 IN OP 898/13 OF THE FAMILY COURT, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

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

OP(FC).No. 326 of 2015

Dated this the 4th day of August, 2015

JUDGMENT

K.Ramakrishnan,J.

This is a petition filed by the petitioner in IA.No.1922/2013 in OP.No.898/2013 of the Family court , Thiruvananthapuram for speedy disposal of the application under article 227 of the Constitution of India.

2. It is alleged in the petition that the 1st respondent herein filed OP.No.898/2013 against the 2nd respondent claiming certain mandatory claims and also filed application for attachment before judgment of the properties belonging to the petitioner and they were attached. So he filed Ext.P2 IA.No.1922/13 as claim petition seeking to lift the attachment but the court below has not passed any order in that application. The court below is interested in proceeding

with OP.No.898/2013 without disposing the claim petition filed by the petitioner. So this petition is filed.

3. Notice was issued on admission and the respondents appeared . We have called for a report from the Family Court, Thiruvananthapuram and the Family Court has sent a report stating that an Advocate Commissioner has been appointed for recording evidence independently in IA.No.1922/2013 in OP.No.898/2013 and it is posted for commissioner's report on 1.9.2015. The court below wanted 3 months time for disposal of the IA.No.1922/2013. It is also mentioned in the report that there is no proposal for joint trial of IA.No.1922/2013 and OP.No.898/2013. So in view of the report submitted by the Family Court, there is no necessity for a joint trial of IA.No.1922/2013 and OP.No.898/2013 and efforts are being taken by the Family Court to record the evidence in both cases independently and also mentioned that the claim petition will be disposed of within 3 months.

4. Hence the petition is disposed of accepting the report of the Family Court and directing the Family Court to dispose of the claim petition also within a time frame mentioned in the report. Office is directed to communicate the order to the concerned court immediately.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

