

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 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

OP (FC).No. 339 of 2015 (R)

IN OP 152/2013 of FAMILY COURT, CHAVARA

PETITIONER(S) :

- 1. ABDUL RASAK, AGED 63 YEARS
SAJITHA MANZIL MANGARAM PO, KONNI
PATHANAMTHITTA DISTRICT.**
- 2. RAMLA BEEVI, AGED 60 YEARS
W/O.ABDUL RASAK, SAJITHA MANZIL MANGARAM PO, KONNI
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.R.SATISH KUMAR
SMT.T.J.SEEMA**

RESPONDENT(S):

**SHEEJA. A, AGED 35 YEARS
D/O.ALIYARUKUNJU, BEENA MANZIL, MUKUNDAPURAM PO
CHAVARA, KARUNAGAPPALLY TALUK, KOLLAM DISTRICT 691585**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (FC).No. 339 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE PLAINT IN OP NO. 152/2013 OF FAMILY COURT, CHAVARA.**
- EXT.P2 : TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONERS DATED 6-2-2013.**
- EXT.P3 : TRUE COPY OF THE WITNESS SCHEDULE FILED BY THE RESPONDENT HEREIN BEFORE THE COURT BELOW.**
- EXT.P4 : TRUE COPY OF THE CHIEF AFFIDAVIT DATED 9-2-2015 OF 1ST PETITIONER FILED BEFORE THE COURT BELOW.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

O.P.(F.C).No.339 of 2015

Dated this the 7th day of August, 2015

JUDGMENT

K.Ramakrishnan, J.

This is a petition filed by the petitioners, seeking speedy disposal of O.P.No.152/2013 on the files of Family Court, Chavara invoking jurisdiction under Article 227 of the Constitution of India.

2. It is alleged in the petition that the respondent herein, who is the daughter-in-law of the petitioners filed O.P.No.966/2010 before the Family court, Kollam, against her husband Shihabudeen and these petitioners as respondents 1 to 3 respectively, for recovery of gold ornaments and other reliefs. When the Family court, Chavara was constituted, that Original Petition was transferred to the Family court, Chavara and wherein it was renumbered as O.P.No.152/2013. The petitioners are senior citizens, suffering from severe old-age ailments. Though the case is posted for evidence

and 13 witnesses were examined, again the case was reopened for further evidence. By that time, 3 Advocate Commissioners surrendered the order of the Court appointing them to record evidence. Now the Court is directly recording the evidence. The case is pending for more than 5 years from the first inception. So they prayed for speedy disposal of the case.

3. On the basis of the allegations made, we have called for a report from the Family court, Chavara and the Family court, Chavara has sent a report dated 04.08.2015, wherein it has been mentioned that the petitioner and 6 witnesses were examined as PW1 to PW7 and seven more witnesses on the side of the petitioner remains to be examined and thereafter the evidence of the respondent will have to be recorded. However, the Family court Judge expressed willingness to dispose of the case within 4 months.

4. So in view of the report submitted, we do not think that there is any necessity to issue any specific direction as sought for in the petition and the report of the

Family court can be accepted and the case can be disposed of accordingly. So the report of the Family court is accepted and the petition is disposed of, directing the Family court to dispose of the case as undertaken in the report.

With the above observations and directions the petition is disposed of accordingly. Office is directed to communicate this order to the concerned court immediately.

Sd/-
C.K.ABDUL REHIM, JUDGE

Sd/-
K.RAMAKRISHNAN, JUDGE

VS

/TRUE COPY/

PA TO JUDGE