

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 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

OP (FC).No. 341 of 2015 (R)

ARISING FROM OP 195/2014 of FAMILY COURT,ERNAKULAM

PETITIONER:

**JOY JOHN,
S/O. JOHN, AGED 53 YEARS
R/A.VARIKKASSERY HOUSE, MOOTHRTHIKKARA DESOM
PARAPPOOKKARA P O, THRISSUR 680310**

**BY ADVS.SRI.SHOBY K.FRANCIS
SMT.MISHAL M.DASAN**

RESPONDENT:

**SHELLY,
AGED 44 YEARS, W/O.JOY JOHN,
VARIKKASSERY HOUSE
GOLDEN NEST RESIDENCE, INFANT JESUS ROAD
PERUMPADANNA , NORTH PARUR 683513, ERNAKULAM DISTRICT**

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE JUDGMENT IN OPFC NO 30/2015 DTD 20/3/2015.**
- P2: COPY OF THE WITHDRAWAL MEMO DTD 21/7/2015 IN OP NO 150/2014(7).**
- P3: COPY OF THE WITHDRAWAL MEMO DTD 21/7/2015 IN OP NO 1421/2014.**
- P4: COPY OF THE OP NO 388/2015 DTD 21/7/2015 FILED BEFORE THE FAMILY COURT, ERNAKULAM.**
- P5: COPY OF THE IA NO 2883/2015 IN OP NO 195/2014 DTD 22/7/2015 FILED BEFORE THE FAMILY COURT, ERNAKULAM.**
- P6: COPY OF THE OP NO 195/2014 DTD 22/7/2015 FILED BEFORE THE FAMILY COURT, ERNAKULAM.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

O.P (FC) No. 341 OF 2015

DATED THIS THE 27th DAY OF JULY, 2015

J U D G M E N T

K. Ramakrishnan, J:

This original petition is filed by the petitioner for an early disposal of the joint trial application filed by the petitioner in OP 195/2014 before the Family Court, Ernakulam under Article 227 of the Constitution of India.

2. It is alleged in the petition that OP 195/2014 was filed by the respondent herein who is his wife for divorce. The petitioner is also filed OP 1388/2015 before the Family Court for restitution of conjugal rights. There was another case as MC 1/2014 which was filed against the petitioner by the respondent under the provisions of Domestic Violence Act. As per judgment in OP(FC) 30/2015, this court directed the Family Court, Ernakulam to dispose of all the cases before 31-12-2015. But OP 1388/2015 was filed by the petitioner subsequent to the passing of Ext.P1 judgment in

OP (FC) 30/2015. He filed I.A. 2883/2015 in OP 195/2014 for joint trial of that case along with OP 1388/2015. But the court below without considering the application posted the case, OP 195/2014 alone for evidence. So the petitioner has approached this court seeking a direction to the family court to consider and dispose of the joint trial application.

3. When the petition came up for hearing on the last hearing date namely, 24-07-2015 learned counsel for the petitioner submitted that joint trial petition was posted on that date before the family court. So we adjourned the case to ascertain by the counsel for the petitioner himself regarding the stage of the application and posted the case to today. Today the counsel for the petitioner submitted that the case has been adjourned to 03-08-2015 along with the joint trial petition for counter of the other side in that application. So under the circumstances, the apprehension of the petitioner that without disposing the joint trial application the family court will proceed with the trial of the case in OP 195/2014 appears to be unfounded. So we feel

that the petition can be disposed of directing the family court Judge to dispose of the joint trial application filed by the petitioner in OP 195/2014 pending before that court as expeditiously as possible, at any rate within one week from the date of receipt of this judgment by that court.

With the above directions and observations this petition is disposed of. Communicate the judgment to the court below at the earliest.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge