

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 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

OP (FC).No. 342 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 307/2013 of FAMILY
COURT,TRIVANDRUM DATED

PETITIONER(S)PETITIONER:

ASWATHY S.S. AGED 24 YEARS
D/O. SUSHEELA, TC 43/550(8), "ASWATHY"
KAIRALI NAGAR, MANACAUD P.O., THIRUVANANTHAPURAM-09.

BY ADVS.SRI.V.PHILIP MATHEW
SRI.GIBI.C.GEORGE

RESPONDENT(S)/RESPONDENT:

MANOJ T., AGED 32 YEARS
S/O. THANKAPPAN, PULIYARAVILAKATHU VEEDU, TC-49/490(1)
KALIPPANKULAM, MANACAUD P.O.
THIRUVANANTHAPURAM-695 009.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 18-
08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 342 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF CERTIFICATE OF MARRIAGE.
P2 : COPY OF OP NO.237/2013.
P3 : COPY OF OP NO.307/2013.
P4 : COPY OF OBJECTION FILED BY THE RESPONDENT IN OP NO.307/2013.
P5 : COPY OF THE JOINT PETITION OP NO.223/2014.
P6 : COPY OF JUDGMENT DTD.23.10.2014 PASSED BY THE FAMILY COURT,
THIRUVANANTHAPURAM IN OP NO.237/2013.
P7 : COPY OF JUDGMENT DTD.21.4.2014 PASSED BY THE FAMILY COURT,
THIRUVANANTHAPURAM IN OP NO.307/2013.

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

PS TO JUDGE

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

OP(FC).No. 342 of 2015

Dated this the 18th day of August, 2015

JUDGMENT

K.Ramakrishnan,J.

This OP(FC) is filed by the petitioner seeking intervention of this court under Article 227 of the Constitution of India to issue direction to the Family Court, Thiruvananthapuram to dispose of OP No.307/2013 at the earliest.

2. It is alleged in the petition that the marriage between the petitioner and the respondent was solemnised on 27.2.2012 as per Special Marriage Act evidenced by Ext. P1 registration certificate. Thereafter they lived together for some time and thereafter they started living separately in their respective houses. There was no consumation of marriage. The respondent herein filed OP No. 237/2013 before the Family Court, Thiruvananthapuram against the petitioner for restitution of conjugal rights as evidenced by Ext.P2 petition. The petitioner filed OP.No.307/2013 before the Family Court

Thiruvananthapuram seeking dissolution of marriage evidenced by Ext.P3 in which Ext.P4 objection was filed by the respondent. During the pendency of the cases, they have decided to file a joint petition for divorce by mutual consent based on which they filed Ext.P5 joint petition as OP.No. 223/2014. After filing the joint petition for divorce, the respondent decided not to proceed with his Ext.P2 case and so it was dismissed for default evidenced by Ext.P6 judgment. After the joint petition for divorce was filed the respondent also did not want to proceed with her case and informed that a joint petition for divorce was filed. On that basis Ext.P7 judgment was passed by the court below closing the case with liberty to reopen the case if joint petition for divorce was not allowed. Thereafter the joint petition for divorce could not be proceeded with and the petitioner filed an application to re-open the case and accordingly the petition was reopened. Now the court below is not disposing the case. Unless a direction is given from this court, the case will not be disposed of expeditiously. Hence this petition.

3. Considering the relief claimed in the petition, we felt that notice to the respondent can be dispensed with and report

can be called from the court below regarding the present stage and dispose of the case on the basis of the report. Accordingly report has been called for and the learned Family Court Judge sent report dt. 7.8.2015 in which it was mentioned that if one year further time is granted the case can be disposed of after completing the pre-trial steps. Considering the circumstance we feel that no further direction need be given in view of the report submitted by the Family Court and the report can be accepted and the petition can be disposed of directing the Family Court to dispose of the case at the earliest possible, at any rate before the time undertaken by the Family Court in the report.

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

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

