

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 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

OP (FC).No. 351 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 775/2012 of FAMILY COURT,
KOTTARAKKARA DATED

PETITIONER(S)/PETITIONER:

SHAMNA S AGED 29 YEARS
D/O. SALAHUDEEN, RESIDING AT R.S VILLA, PUTHUSSERY
NILAMEL POST, KOTTARAKKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.M.DINESH

RESPONDENT(S)/RESPONDENTS:

1. SHAMEEM
S/O. SHAHUL HAMEED, SAFEENA MANZIL, POREDOME POST
CHADAYAMANGALAM, KOLLAM DISTRICT.
2. SAFEENA,
D/O. SAFEYA, SAFEENA MANZIL, POREDOME POST
CHADAYAMANGALAM, KOLLAM DISTRICT.
3. SHAHUL HAMEED,
S/O. MEERA SABIB, SAFEENA MANZIL, POREDOME POST
CHADAYAMANGALAM, KOLLAM DISTRICT.
4. SUDHEER,
W/O. SAFEENA, SAFEENA MANZIL, POREDOME POST
CHADAYAMANGALAM, KOLLAM DISTRICT.
5. SAFIYA,
W/O. SHAHUL HAMEED, SAFEENA MANZIL, POREDOME POST
CHADAYAMANGALAM, KOLLAM DISTRICT.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 351 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE PETITION IN O.P 775/2012 ON THE FILE OF THE FAMILY COURT, KOTTARAKKARA DATED 22/06/2012.

EXHIBIT-P2-TRUE COPY OF THE I.A 1084/2012 I OP775/2012 DATED 22/06/2012.

EXHIBIT-P3-TRUE COPY OF THE WRITTEN STATEMENT OF RESPONDENTS IN OLP 775/2012 DATED 05/12/2012.

EXHIBIT-P4-TRUE COPY OF THE OBJECTION IN I.A 1084/2012 IN O.P 775/2012 ON THE FILE OF THE FAMILY COURT, KOTTARAKKARA DATED 18/05/2015.

EXHIBIT-P5-TRUE COPY OF THE REPLICATION FILED BY THE PETITIONER IN O.P 775/2012 DATED 28/01/2015.

EXHIBIT-P6-TRUE COPY OF THE ORDER IN I.A 1084/2012 IN O.P 775/2012 ON THE FILES OF THE FAMILY COURT, KOTTARAKKARA DATED 27/05/2015.

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

PS TO JUDGE

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

OP(FC).No. 351 of 2015

Dated this the 17th day of August, 2015

JUDGMENT

K.Ramakrishnan,J.

Petitioner in OP.No.775/2012 on the file of the Family Court, Kottarakara has filed this writ petition under Article 227 of the constitution of India seeking speedy disposal of the case.

2. It is alleged in the petition that the petitioner filed the above OP before the court below against the respondents herein seeking return of gold ornaments and also declaration in respect of the property involved in the case and patrimony paid. Though petitioner filed IA. No.1084/2012 for attachment before judgment and since no orders have been passed, the petitioner was compelled to file OP(FC) before this court for a direction to dispose of the application and it is on that basis the family court heard and passed an order in that application against the petitioner. Though the case was ripe for trial no earnest attempts are made by the Family Court for disposal of the case.

Hence the petitioner has no other alternate remedy except to approach this court seeking the following reliefs.

i) issue an order or direction directing the Family Court, Kottarakara to dispose of OP.No.775/2012 within a period of six months or the time fixed by this court.

ii) grant such other and further reliefs as this Hon'ble Court deems fit and proper in the circumstance of this case.

3. Considering the nature of the claim and the order sought to be issued, we thought that calling for a report from the Family Court will be sufficient and accordingly a report has been called for. Therefore notice to respondents is dispensed with. The Family Court has sent a report dt. 7.8.2015 in which it was stated that considering pendency of the old cases before that court and also pressure of work, the court requires nearly one year time to dispose of the case. We are also of the view that old cases are pending before the Family Court and directing the Family Court to dispose of new cases before disposing the old cases will cause injustice to the persons waiting in the queue. So under

the circumstances we feel that the petition can be disposed of accepting the report of the Family Court directing the Family Court to dispose of the case as undertaken in the report. We do so.

With the above direction and observations the petition is disposed of. Office is directed to communicate this judgment to the concerned court immediately.

C.K.ABDUL REHIM, JUDGE

K.RAMAKRISHNAN, JUDGE

Pmn/

