

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. 371 of 2015 (R)

IN OP 1635/2014 of FAMILY COURT, TRIVANDRUM

PETITIONER(S):

**SUMI, AGED 33 YEARS
W/O.SAJITH KUMAR, NOW RESIDING AT AE QUARTERS
KWA CAMPUS, NEYYATTINKARA, THOPPUVILA VEEDU
GRAMAM, PARASSAL, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S):

**SAJITHKUMAR, AGED 41 YEARS,
S/O.SANALKUMAR, KAVILVILA VEEDU, KADUVAYIL
ATTINGAL, THIRUVANANTHAPURAM.**

**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. 371 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE OP 649/15 FILED BEFORE THE FAMILY COURT,
 THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

O.P.(F.C).No.371 of 2015

Dated this the 7th day of August, 2015

JUDGMENT

K.Ramakrishnan, J.

This is an application filed by the petitioner, seeking speedy disposal of O.P.Nos.1635/2014 and 1769/2014 pending before the Family court, Thiruvananthapuram, under Article 227 of the Constitution of India.

2. It is alleged in the petition that the marriage between the petitioner and the respondent was solemnized on 20.10.2007 and a girl child was born to them in the said wedlock. The marital relationship strained and they were started residing separately. The petitioner filed false complaints before the State Women's Commission and those petitions were dismissed. Thereafter, the petitioner filed O.P.No.1635/2014 for decree of divorce on the ground of cruelty and also filed O.P.No.1769/2014 for getting the permanent custody of

the child. Both the cases are being posted several occasions, but trial has not been started. In the meantime, the respondent also filed O.P.No.649/2015 before the same court for restitution of conjugal rights, in order to delay the proceedings. So the petitioner has no other remedy except to approach this Court, seeking a relief of speedy disposal of the above case.

3. Considering the fact that the cases sought to be disposed of in the year 2014 and 2015, though the petitioner had restricted his prayer for disposal of her cases alone in a clever manner and there are old cases pending before all the Family courts and targets have been fixed on the administrative side of the Family courts to dispose of old cases as well on priority, we feel that entertaining petitions in respect of this nature in respect of new cases and directing the Family court to dispose of such cases will tantamount to doing injustice to the persons who are standing in the queue for long time to dispose of their cases. However, if any application has been filed by the petitioner before the Family court stating

the urgency of the disposal of the case, then it is for that court to consider and pass appropriate orders in that application. So we do not find any reason to issue any direction as claimed in the petition.

With the above observations and directions the petition is dismissed with the liberty mentioned above. Communicate this order to the concerned courts at the earliest.

Sd/-
C.K.ABDUL REHIM, JUDGE

Sd/-
K.RAMAKRISHNAN, JUDGE

VS

/TRUE COPY/

PA TO JUDGE