

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

OP (FC).No. 419 of 2015 (R)

OP NO.419/2014 of FAMILY COURT, OTTAPPALAM

PETITIONER/PETITIONER:

RAJAN. M.P.,
S/O.PALANISWAMI, 3/162, VELLIYAMKKADU
(VIA)KARAMADA, METTUPALAYAM,COIMBATORE
TAMIL NADU, PIN - 641104

BY ADVS.SRI.K.M.SATHYANATHA MENON
SRI.A.SANTHOSHKUMAR
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH

RESPONDENT/RESPONDENT:

ANITHA
D/O.THANKA, POOVATHINGAL HOUSE, AMBALAPPADI
POTTASSERI P O, MANNARKKAD TALUK, PALAKKAD DISTRICT
PIN - 678598

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
25-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 419 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS :

P1:-TRUE COPY OF THE RECEIPT ISSUED FROM THE SRI VINAYAGA VIDHYALAYA SCHOOL, BUJANGANNOOR DTD 30/8/2013

P2:-TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE FAMILY COURT, OTTAPALAM AS OP NO 419 OF 2014.

P3:-TRUE COPY OF THE PROCEEDINGS RECORDED BY THE PETITIONER'S COUNSEL AT FAMILY COURT, OTTAPALAM IN OP 419 OF 2014

P4:-TRUE COPY OF THE COUNTER STATEMENT FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, OTTAPALAM IN OP NO 419 OF 2014.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.A TO JUDGE

smv

**C.K. ABDUL REHIM
&
SHAJI P. CHALY, JJ.**

O.P.(F.C) No.419 of 2015

Dated this the 25th day of September, 2015

JUDGMENT

C.K. Abdul Rehim,J.

Parties in this Original Petition are parties before the Family Court, Ottapalam in O.P. No.419 of 2014, which was instituted under the Family Courts Act, 1984 and Guardians and Wards Act, 1890. The parties got married on 12.06.2009 and a minor child named 'Rakshan' was born out of the wedlock. The respondent herein had left the matrimonial house on 22.06.2014 due to estrangement and disputes in life. The minor child is now kept under custody of the respondent. The petitioner instituted Ext.P2 Original Petition as O.P. No.419 of 2014, seeking permanent custody of the minor child.

2. Allegation is that the respondent is not co-operating in the proceedings before the Family Court and that the case is being prolonged for one or other reasons. It is alleged that the

case was adjourned on various occasions, on 24.07.2015, 22.08.2015 and to 26.9.2015. It is also mentioned that pursuant to filing of counter statement by the respondent, pleadings stand complete and the case is now ripe for trial. It is stated that the petitioner is now staying in Tamil Nadu and he has to travel to Ottapalam on every occasions in order to attend the Family Court. In such circumstance, the petitioner is approached this Court seeking direction for an expeditious disposal of the Original Petition by the Family Court.

3. When the case came up for consideration, this Court directed the Registry to call for a report from the Family Court, Ottapalam regarding the present stage of O.P. No.419 of 2014 and also with respect to the maximum time required for disposal of this case. In a report submitted by the learned Judge, Family Court, Ottapalam, dated 15.09.2015, it is mentioned that the respondent had filed counter statement on 22.08.2015 and at least one posting thereafter need to be given to the parties to take steps, if any necessary. However it is informed that all earnest efforts will be taken to dispose of the case at the earliest, at any rate within a period of four months.

4. The above said report is taken record by this Court.

Accordingly this Original Petition is disposed of by directing the Family Court to take all earnest efforts to dispose of O.P. No.419 of 2014 at the earliest, at any rate within the time intimated to this Court.

Sd/-
C.K. ABDUL REHIM
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

smv
25.09.2015