

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

OP (FC).No. 420 of 2015 (R)

AGAINST THE JUDGMENT IN OP 320/2013 of FAMILY COURT,TRIVANDRUM

PETITIONER(S) :

R.KRISHNANKUTTY AGED 82 YEARS
S/O.RAMAN PILLAI, USHUS, TC 9/1174
ELAMKULAM, SREEKARYAM PO, ULLOOR VILLAGE
THIRUVANANTHAPURAM-695 017.

BY ADVS.M/S.MOHAN JACOB GEORGE,P.V.PARVATHI & REENA THOMAS

RESPONDENT(S) :

1. DR.REKHA R. NAIR, AGED 34 YEARS
D/O.PARAMESWRAN NAIR, TC 25/2832(1) PUNARTHAM
PUTHAN ROAD JUNCTION , GPO
THIRUVANANTHAPURAM-695 001.

2. LEEELA BAI AMMAL, AGED 72 YEARS
W/O.KRISHNANKUTTY, USHUS, TC 9/1174 ELAMKULAM
SREEKARYAM PO, ULLOOR VILLAGE
THIRUVANANTHAPURAM-695 017.

3. SAJEEV KRISHNANKUTTY, AGED 42 YEARS
S/O.KRISHNANKUTTY, USHUS, TC 9/1174 ELAMKULAM
SREEKARYAM PO, ULLOOR VILLAGE
THIRUVANANTHAPURAM-695 017.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC)No. 420 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 : COPY OF THE OP NO.320/13 INITIALLY NUMBERED AS OP 912/2009 OF THE FAMILY COURT, THIRUVANANTHAPURAM.

EXT.P2 : COY OF THE ATTACHMENT PETITION FILED BY THE FIRST RESPONDENT IN EX P1 AS IA.NO.1771/09 IN OP.NO.912/2009

EXT.P3 : COPY OF THE ATTACHMENT ORDER DATED 29-8-2009 IN EXT P2 IA.

EXT.P4 : COPY OF THE OP NO.448/2010 PENDING BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM

EXT.P5 : COPY OF THE B-DIARY EVIDENCING THE PROCEEDINGS IN EXT P1 PETITION.

/TRUE COPY/

P.S. TO JUDGE.

s1.

C.K.Abdul Rehim & Mary Joseph, JJ.

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O.P.(FC)No.420 of 2015

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Dated this the 1st day of October, 2015.

JUDGMENT

Abdul Rehim, J.

1. Limited relief sought for in this original petition is for a direction to dispose of O.P.No.320 of 2013 pending before the Family Court, Thiruvananthapuram at the earliest, within a time frame to be stipulated. *Inter alia* the petitioner is seeking direction to have a joint disposal of O.P.No.448 of 2010 along with O.P.No.320 of 2013 by way of mediation and settlement.
2. When the above original petition came up for admission, this Court directed the Registry to call for a report from the Family Court, Thiruvananthapuram regarding the present stage of the case and with respect to the maximum time required for its disposal. A report

received in this regard from the Family Court is incorporated by the Registry. In view of the report submitted by the Family Court and in view of the relief proposed to be granted in this original petition, issuance of notice to the respondents is dispensed with. Therefore the above original petition is disposed of on the following terms:

Report submitted by the learned Judge, Family Court, Thiruvananthapuram, dated 28.9.2015 would indicate that O.P.No.448 of 2010 and O.P.No.320 of 2013 were considered together and both cases were posted for evidence before that court on 31.8.2015. The cases now stands adjourned to 1.10.2015. It is mentioned in the report that, considering pendency of the old cases, at least a period of six months from 1.10.2015 is required for disposal of the said cases. This court finds justification on the part of the Family Court in giving preference for disposal of old cases. However, having

considered the fact that the cases are now posted for recording evidence, this court is of the opinion that an early disposal of the cases will be plausible. We take note on record the report of the Family Court with respect to the outer limit of time required for disposal of the cases.

Hence the above Original Petition is hereby disposed of by directing the Family Court to take all earnest efforts to dispose of O.P.Nos.448/10 and 320/13 at the earliest possible, at any rate, within the outer limit mentioned in the report of the Family Court.

C.K.Abdul Rehim, Judge.

Mary Joseph, Judge.

sl.