

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

OP (FC).No. 455 of 2015 (R)

OP(HMA) 971/2013 of FAMILY COURT, TRIVANDRUM

PETITIONER(S)/PETITIONER :

**I.C.PRASANTH NAIR, AGED 36 YEARS
S/O. S.CHANDRASHEKHARAN NAIR, PANAVALAKATHU VEEDU
NARUVANMOODU, NEMOM POST, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER**

RESPONDENT(S)/RESPONDENT :

**RAJALEKSHMI, AGED 30 YEARS
D/O. VIKRAMAN THAMPI, LEKSHMI NILAYAM, PAZHAKADA
THIRUPURAM, NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT
PIN-695523.**

**THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

OP (FC).No. 455 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE MEMORANDUM OF O.P.(HMA) NO. 971 OF
2013 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM.**

**EXHIBIT P2- TRUE COPY OF THE WRITTEN STATEMENT IN OP.(HMA) NO.
971 OF 2013 BEFORE THE FAMILY COURT,
THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

**C.K.ABDUL REHIM &
MARY JOSEPH, JJ.**

O.P.(FC) No.455 of 2015

Dated this the 13th day of October, 2015

JUDGMENT

C.K.Abdul Rehim, J.

In view of the limited reliefs sought for in this original petition, which is only for a direction to the Family court to have a final disposal of OP(HMA)No.971/2013 within a time limit to be stipulated, and in view of the relief proposed to be granted based on the report received from the Family court, we do not propose to issue notice to the respondent.

2. The petitioner had instituted OP(HMA) No.971/2013 against the respondent seeking for dissolution of the marriage, on the ground of alleged desertion. Marriage between the parties were solemnized on 01.09.2009. The petitioner is working as a 'Clerk-Havildar' in Indian Army and is now posted in Punjab. It is stated that the petitioner's parents are settled

at Chennai. It is mentioned that it is very difficult for him to appear before the Family court, Thiruvananthapuram regularly on all posting dates, he being a person working in Indian Army. The petitioner seeks for a preference in the matter for disposal of the case, as per provisions of Indian Soldiers (Litigation) Act, 1925. It is mentioned that the respondent had already filed written statement in the case and the trial of the case can be proceeded with. Further it is mentioned that the respondent had filed complaint before the authorities of the Indian Army, seeking for maintenance and based on that an amount of Rs.15,750/- is being deducted from the salary of the petitioner on every month towards maintenance of the respondent. Under such circumstances, it is alleged that the attempt of the respondent is to prolong the dispute, without co-operating for an early disposal of the case before the Family court.

3. When the original petition came up for consideration, this Court directed the Registry to get a report from the Family court regarding the present stage

of OP(HMA)No.971/2013 and with respect to the maximum time required for disposal of the said case. The learned Judge of the Family court, Thiruvananthapuram had submitted a report dated 08.10.2015. It is mentioned that the respondent had filed written statement only on 07.09.2015, along with a petition to accept the same. The case now stands posted to 13.10.2015 for considering objections with respect to the sanction petition. It is mentioned that the total pendency of the cases in the Family court, Thiruvananthapuram as on 30.09.2015 is 5522, out of which, 1113 cases are of the year 2012. It is stated that, considering the pendency of the old cases, at least one year time from 01.10.2015 is required to dispose of the case in question.

4. We are of the considered opinion that, cases involving matrimonial disputes need to be disposed of on a preferential basis, adhering to the time limits stipulated in the relevant statutes. But practically, it became impossible for all the Family courts in the State to dispose of the cases within any reasonable time, because of the

large number of filing of new cases in every court. We are afraid, we will be doing injustice to those who are waiting in the queue, if a time bound disposal of any new case is directed. Therefore, relief to the extend of stipulating any time limit for disposal of the case at hand cannot be granted. However, we take note of the report submitted by the Family court to the effect that the case will be disposed of within an outer limit of one year from 01.10.2015.

Therefore, the above original petition is hereby disposed of by directing the Family court, Thiruvananthapuram to have an early disposal of OP(HMA) No.971/2013, as expeditiously as possible, at any rate, within the outer time limit undertaken through the report of the Family court.

Sd/-

C.K.ABDUL REHIM, JUDGE

Sd/-

MARY JOSEPH, JUDGE

VS