

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

&

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

OP (FC).No. 461 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 765/2013 OF THE FAMILY
COURT,TRIVANDRUM

PETITIONER(S)/PETITIONER:

BRIJITH LAL AGED 36 YEARS
S/O.NESAMANI, ASST. PROFESSOR, SEENAI BHAVAN
KARICHAL, KAZHIVOO PO, NEYYATTINKARA

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA

RESPONDENT(S)/COUNTER PETITIONER:

SAJITHA R
TC 18/88, MANGATT, THRIMALA PO
THIRUVANANTHAPURAM 695006

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 02-
11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 461 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:TRUE COPY OF OP.765/2013

P2:TRUE COPY OF THE ORDER DATED 28.01.2014 IN MC.3/2014

P3:TRUE COPY OF THE OP.106/2014

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

PS TO JUDGE

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

OP(FC) No. 461 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

Abdul Rehim,J.

In view of the relief proposed to be granted based on the report received from the Family Court, we are of the opinion that issuance of notice to the respondent is not necessary. Hence notice to the respondent is dispensed with.

2. The petitioner is seeking a direction from this court to the family Court, Thiruvananthapuram for an early disposal of OP.No.765/13 on the files of that Court. The respondent herein, who is the wife of the petitioner, is the respondent before the court below in the said case. OP.No.765/13 was instituted seeking dissolution of the marriage existing between the parties, on the ground that the marital relationship has been irretrievably broken and that the respondent is suffering from certain mental disease. The respondent had also filed OP.No.106/14 before the Family Court seeking for return of money and gold ornaments. According to the petitioner, pleadings in both the cases stands

completed and the cases are ripe for trial. It is intimated that the petitioner is working as a College Professor at Mavelikkara and it is causing great inconvenience for him to come down to Thiruvananthapuram to attend the case on every posting dates. It is mentioned in this original petition that there will not be any expeditious disposal at the Family Court at Thiruvananthapuram, unless and until there is a specific direction from this court, to that extent. Under such circumstances, the petitioner is approaching this court.

3. When the case came up for consideration, we directed the Registry to get a report from the Family Court. A report submitted by learned Judge of the Family Court on 19.10.2015 would indicate that, OP.No. 106/14 and OP.No. 765/14 (correct number is 765/13) are connected cases and both the cases now stands posted for taking evidence to 18.12.2015. But it is indicated that there is heavy pendency of about 5522 cases before that court as on 30.9.2015, out of which about 1113 cases are old cases of the year upto 2012. Considering the heavy pendency it is indicated that more time may be required for disposal of the cases in question.

4. This court is of the considered opinion that there is absolute necessity to have an early disposal of all the cases

relating to matrimonial disputes. But we could not shut down our eyes against the reality, that the Family Courts in the State are now flected with pendency of huge number of cases. As reported by learned judge of the Family Court, there is a huge pendency of old cases before the court in question, filed up to the year 2012. We are afraid, we will be doing injustice to those who are waiting in the queue for disposal of the old cases, if we direct the Family Court to have disposal of the cases herein by stipulating any time frame. However, we notice that, in the report submitted by the learned Judge, he had undertaken that the cases will be disposed of within the time of one year from November, 2015 .

5. The above undertaking is recorded and the original petition is hereby disposed of by directing the Family Court to take all earnest endeavour to dispose of OP.Nos.106/14 and 765/13 at the earliest possible, at any rate within the time undertaken in the report.

C.K.ABDUL REHIM, JUDGE

MARY JOSEPH, JUDGE

Pmn/

