

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 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

OP (FC).No. 506 of 2015 (R)

AGAINST THE JUDGMENT IN OP 1296/2013 of FAMILY COURT, MAVELIKKARA

PETITIONER(S) :

SIMON M. VARGHESE AGED 47 YEARS
S/O.M.C.VARGHESE, MALAKKUSERIL, CHENNITHALA P.O.
MAVELIKKARA.

BY ADVS.SRI.P.HARIDAS
SRI.P.C.SHIJIN

RESPONDENT(S) :

RACHEL JOSEPH
D/O.K.J.JOSEPH, KOIPURATHUPARAMBIL HOUSE
PUTHUPPALLY VILLAGE, KOTTAYAM - 686 011.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 506 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1. TRUE COPY OF THE MEDATION RERPOT DATED 25/5/2015.

EXT.P2. TRUE COPY OF THE PETITION SEEKING TO SET ASIDE EX-PARTE DECREE
DATED 14/10/2015.

/TRUE COPY/

P.S. TO JUDGE.

s1.

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

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O.P.(FC) No.506 of 2015

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Dated this the 24th day of November, 2015.

JUDGMENT

Abdul Rehim, J.

1. In view of the limited relief sought for and proposed to be granted in this original petition, we do not think that issuance of notice to the respondent is necessary. Hence notice to the respondent is hereby dispensed with.
2. The petitioner is seeking relief to the extent of directing the Family Court, Mavelikkara to dispose of Ext.P2 interim application filed as I.A.No.2352 of 2015 in O.P.No.1296 of 2013 on an early basis. The original petition before the Family Court was filed by the respondent herein, seeking for dissolution of the marriage under Section 10(1) (x) of the Divorce Act, 1869. The petitioner was declared ex-parte in the said case and the original petition was decreed on 13.10.2015.

Subsequently the respondent filed Ext.P2 interim application seeking to set aside the ex-parte decree. Grievance of the petitioner is that unless a direction is issued from this court for speedy disposal of the said application, the petitioner will be put to severe prejudice.

3. When the case came up for consideration, this court directed the Registry to call for a report from the Family Court, regarding the status of I.A.No.2352 of 2015 and with respect to the maximum time required for disposal of the said application. A report received from the Judge, Family Court, dated 18.11.2015 would indicate that I.A.No.2352 of 2015 was filed on 14.10.2015 and the court below had ordered notice to the respondent in the said interim application. The application was posted for return of notice to 26.10.2015. Since notice was not returned after service, it was again adjourned to 18.11.2015. On 18.11.2015 it was reported that notice was served on the respondent. But it is mentioned that the respondent has not entered appearance before the court below. It is stated in the report

that the interim application now stands posted for hearing to 24.11.2015 and that it will be disposed of immediately, at any rate, within a period of three weeks.

4. Taking note of the the report submitted by the Judge, Family Court, we do not think any further direction is required. We take note on record the undertaking made in this regard. The original petition is closed accordingly.

C.K.Abdul Rehim, Judge.

Mary Joseph, Judge.

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