

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

OP (FC).No. 524 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 1750/2012 of FAMILY COURT,
NEDUMANGAD.

PETITIONER(S) :

MOHAMMED SHIBU, AGED 38 YEARS,
S/O ABOOBAKKER, A.S. MANZIL, MELEMUKKU,
POTHENCODE, THIRUVANANTHAPURAM.

BY ADVS.SRI.N.SUKUMARAN (SR.)
SRI.S.SHYAM
SRI.N.K.KARNIS

RESPONDENT(S)/PETITIONERS:

1. NAIJA BEEVI,
W/O MOHAMMED SHIBU, A.S. MANZIL, MELEMUKKU
POTHENCODE-695 584.

2. AAZIYA, AGED 11 YEARS,
D/O MOHAMMED SHIBU, REPRESENTED BY GUARDIAN AND MOTHER
NAIJA BEEVI,
W/O MOHAMMED SHIBU, A.S. MANZIL, MELEMUKKU,
POTHENCODE-695 584.

3. ALIHASSAN, AGED 6 YEARS,
S/O MOHAMMED SHIBU, REPRESENTED BY GUARDIAN AND MOTHER
NAIJA BEEVI,
W/O MOHAMMED SHIBU, A.S. MANZIL, MELEMUKKU,
POTHENCODE 695 584.

4. MOHAMMED SHA,
S/O ABOOBACKER, RESIDING AT DARUSLAM, SANTHIGIRI WARD,
KOLIYACODE VILLAGE, NEDUMANGADU TALUK-695 607.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

:2:

OP (FC).No.524 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE B DIARY IN O.P NO 1750 OF 2012 PENDING
BEFORE THE HON'BLE FAMILY COURT, NEDUMANGAD.

EXHIBIT P2 TRUE COPY OF THE B DIARY IN O.P NO 124 OF 2013 PENDING
BEFORE THE HON'BLE FAMILY COURT, NEDUMANGAD.

EXHIBIT P3 TRUE COPY OF THE B DIARY IN O.P NO 635 OF 2013 PENDING
BEFORE THE HON'BLE FAMILY COURT, NEDUMANGAD.

RESPONDENT(S) ' EXHIBITS:

NIL

//True Copy//

P.A. to Judge

ss

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

O.P.(F.C.)No. 524 of 2015

Dated this the 1st day of December, 2015

JUDGMENT

C.K. Abdul Rehim, J.

In view of the limited relief sought for in this original petition seeking a direction for an early disposal of O.P.Nos.1750/2012 and 635/2013 by the Family Court, Nedumangad, within a time frame to be stipulated, and in view of the relief proposed, issuance of notice to the respondents is dispensed with.

2. The petitioner herein is the respondent in O.P.No.1750/2012 before the Family Court, Nedumangad which is filed by the respondents 1 to 3 herein. The original petition is filed seeking declaration of title of certain immovable properties and for maintenance. Respondents 1 to 3 herein had filed O.P.No.635/2013 against the petitioner and the 4th respondent herein, seeking injunction against eviction from the building which belongs to the 4th

respondent. There is yet another case filed by the petitioner as O.P.No.124/2013 pending before the same court, in which declaration and injunction with respect to property scheduled therein is sought for. According to the petitioner, the above cases were posted on 11.02.2015 and thereafter the matter was adjourned for report of the Advocate Commissioner with respect to examination of the witnesses. It is contended that, unless an early disposal is directed from this court, the petitioner will be put to severe prejudice.

3. When the case came up for consideration, this court directed the Registry to obtain a report from the Family Court, Nedumangad, regarding the present stage of the cases and about the time required for the disposal. It is reported by the learned Judge of the Family Court, Nedumangad, that O.P.No.1750/2012, O.P.No.635/2013 and O.P.No.124/2013 were posted for evidence on 18.08.2014 and an Advocate Commissioner was appointed to record the

evidence, and an interim report was filed in O.P.Nos.1750/2012 and 635/2013, on 17.11.2015. The Commissioner was given direction to complete the evidence and cases were adjourned to 30.11.2015, awaiting the report. The learned Judge had observed that all the three cases can be disposed of within a period of four months.

The undertaking made by the Family Court that all the three cases will be disposed of within a period of four months is recorded. Accordingly the original petition is hereby disposed of by directing an early disposal of the cases as undertaken by the court below.

Sd/-
C.K. ABDUL REHIM, JUDGE

Sd/-
K. RAMAKRISHNAN, JUDGE

//True Copy//

P.A. to Judge

