

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 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

OP (FC).No. 531 of 2015 (R)

(IN OP (DA) No. 986/2011 of FAMILY COURT, KOTTARAKKARA)

PETITIONER/PETITIONER:

SUJA GEORGE,
AGED 37 YEARS, D/O.SOSAMMA GEORGEKUTTY,
CHARUVILA VEEDU, PAZHINJAM
UMMANNOOR (PO), KOTTARAKARA TALUK
KOLLAM DISTRICT
THROUGH HER POWER OF ATTORNEY HOLDER
SRI.K.G.THANKACHAN, AGED 60 YEARS,
S/O. Y. GEORGE, RUBY SADANAM, VILANGARA, CHEPRA (PO),
UMMANNOOR VILLAGE, KOTTARAKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT/RESPONDENT:

VARGHESE GEORGE
S/O. GEEVARGHESE GEORGE,
ALUVILA VEEDU, MANJAKKALA (P.O),
KUNNUKODU, PATHANAPURAM TALUK
KOLLAM DISTRICT.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

OP (FC).No. 531 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS

**EXT. P1 - TRUE COPY OF O.P(DA)NO.986/2011 OF THE FAMILY COURT,
KOTTARAKARA.**

RESPONDENT'S EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

O.P (FC) No. 531 OF 2015

DATED THIS THE 3rd DAY OF DECEMBER, 2015

J U D G M E N T

Mary Joseph, J:

In view of the limited relief sought for in the original petition notice to the respondent is dispensed with.

2. Petitioner is the petitioner in OP (DA) No.986/2011. She seeks for a direction to the Family Court, Kottarakkara to expedite disposal of OP (DA) No.986/2011 at the earliest.

3. It is averred in the petition as follows:-

OP (DA) No.986/2011 was filed by the petitioner before the Family Court, Kottarakkara seeking dissolution of marriage with the respondent on the ground of cruelty and desertion. The respondent had entered appearance in the original petition on 01-12-2012 and sought time for filing counter affidavit. Thereafter it was repeatedly adjourned at the request of the respondent and ultimately on 25-02-2013, counter affidavit was filed by him and it was received by the

court on payment of cost of Rs.1,000/-. The case was posted for evidence, but it was also adjourned several times at the request of the respondent. The petitioner was working as a staff Nurse at Dubai and she was forced to incur whopping expenditure each time of her landing the station to attend the court for letting in evidence. But, the respondent made each such occasion impracticable by personally remaining absent. Being aggrieved by the prolonging of the case by the court concerned that the petitioner has approached this court seeking for a direction to the Family Court for an early disposal of the case.

4. When the case came up for admission a report was called for from the Family Court, Kottarakkara through the Registry in the matter. It is revealed from the report dated 25-11-2015 obtained from Family Court, Kottarakkara that altogether 3 cases are pending before the said court as O.P No. 986/2011, M.C. No.261/2011 and OP No.517/2013. The first two cases are filed by the petitioner herein against the respondent and the third one is filed by the respondent

against the petitioner.

5. OP No.986/2011 is a case filed seeking dissolution of marriage under Section 10 of the Indian Divorce Act. The respondent entered appearance and filed objection and the case now stands posted for evidence to 20-01-2016.

6. M.C. No.261/2011 pending before the said court was also filed by the petitioner herein seeking maintenance @ Rs.15,000/- for herself and her minor children. The respondent was set ex-parte in the said case on 27-03-2013. Crl. M.P. 46/2014 preferred by the respondent seeking to set aside the ex-parte order is now posted for filing objection and hearing to 20-01-2016.

7. OP No.517/2013 is a case filed by the respondent in this original petition under Sections 9, 10 & 25 of the Guardian and Wards Act and it is posted for objection to 20-01-2016.

8. As the report discloses, oldest cases and cases awaiting disposal in a time bound manner are pending consideration of the Family Court, Kottarakkara. However,

the learned Judge, Family Court has undertaken that OP No.986/2011 and M.C No.261/2011 could be disposed of by him within a time span of one year. The undertaking is recorded.

9. In the result, this original petition is disposed of with a direction to the Judge, Family Court to abide by the undertaking given to this court and to see that O.P No.986/2011 and M.C No.261/2011 are disposed of within a time period undertaken taking into account the hardships on terms of the travelling and expenditure likely to incur by the petitioner being an employee at Gulf countries due to the indefiniteness in the conduct of the trial before the court.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge