

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

OP (FC).No. 533 of 2015 (R)

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(OP 794/2014 PENDING BEFORE THE FAMILY COURT, KOTTARAKKARA)**

PETITIONER:

**THAHIRA SHANAVAS,
AGED 28 YEARS, W/O SHANAVAS,
RESIDING AT MULASERY VEEDU
CHEMPAKARAMANALLOOR, CHIRAMUKKU,
ANCHAL P.O., KOLLAM DISTRICT.**

BY ADV. SRI.K.A.NOUSHAD

RESPONDENTS:

- 1. SAJU VARGHEESE,
AGED 44 YEARS, S/O GEEVARGHEES,
PANAYIL PUTHEN VEEDU, MANNOOR P.O.
VAYALAMURI, KOTTUKAL VILLAGE, KOTTARAKKARA TALUK
KOLLAM DISTRICT-691531.**
- 2. AJITHA K.O.,
AGED 38 YEARS, D/O MARYKUTTY,
CHARUVILA KIZHAKKETHIL PUTHEN VEEDU
NARIKKAL P.O., NARIKKAL MURI, PUNALUR VILLAGE,
PUNALUR TALUK, KOLLAM DISTRICT-691305.**

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

OP (FC).No. 533 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF PLAINT IN O.P.NO.794/2014 PENDING BEFORE THE
FAMILY COURT, KOTTARAKKARA.**

**EXHIBIT P2: TRUE COPY OF THE I.A.NO.1321/14 IN O.P.NO.794/2014 PENDING
BEFORE THE FAMILY COURT, KOTTARAKKARA.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

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

O.P (FC) No. 533 OF 2015

DATED THIS THE 4th DAY OF DECEMBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

This original petition is filed seeking directions to the Family Court, Kottarakkara to pass orders in IA No.1321/2014 in OP No.794/2014, on an early basis, within a time frame to be fixed.

2. The petitioner herein is the claimant in IA No.1321/2014, who is not a party in the original petition. The original petition was instituted by the 1st respondent herein against the 2nd respondent, seeking declaration of title and possession over the scheduled property. It is stated that, the Family Court had passed an order on 29-08-2014 directing the parties in the said case to maintain status-quo with respect to the property which was purchased by the petitioner herein prior to the above said order passed on 11-08-2014, by virtue of a registered Sale

Deed No.2514/14 of SRO, Chadayamangalam. According to the petitioner, the interim order of status-quo is affecting his peaceful and fruitful enjoyment of the property. Hence the petitioner is approaching the Family Court seeking for vacating the order or status-quo. It is stated that IA No.1321/2014 was filed as early as in October, 2014. But the Family Court has not disposed of the matter till today, is the grievance.

3. When the above case came up for consideration we directed the Registry to call for a report from the Family Court with respect to the maximum time required for disposal of the said petition. The report received from the learned Judge of the Family Court, Kottarakkara would indicate that IA No.1321/2014 stands now posted to 11-12-2015, along with OP No.794/2014. According to the learned Judge, considering the heavy work of pendency of old cases in that court 6 months time is required to dispose of the claim petition.

4. Considering the relief proposed in this original petition this court thinks that issuance of notice to the respondents herein can be dispensed with. It is to be noted that the petitioner is not a party in the original petition. The claim petition is for lifting the order of status-quo, based on an allegation that he is affected by the said order. Evidently the interim application was filed as early as in October 2014. It is not justifiable on the part of the Family Court to keep it indefinitely pending without adjudication and disposal.

5. Therefore the above original petition is hereby disposed of by directing the Family Court, Kottarakkara to dispose of IA No.1321/2014 in OP No.794/2014, at the earliest possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge