

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. 545 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OP 1116/2013 of FAMILY COURT,
KOTTARAKKARA

PETITIONER/PETITIONER:

PREETHA VENUGOPAL @ PREETHA B.T AGED 40 YEARS
W/O. VENUGOPAL, SOORYAGAYATHRI, KANNAMANGALAM VILLAGE
MAVELIKKARA P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENT/RESPONDENTS:

1. SMT.SWAPNA
D/O. SEETHIKUMAR, PRABHA NIVAS, PANAYAM CHERRY MURI
ANCHAL VILLAGE, ANCHAL, KOLLAM DISTRICT-691306

2. SAJEEV
S/O. BHASKARAN, MUKALUVILA VEEDU, MELKULANGARA MURI
VALAKOM VILLAGE, KOLLAM DISTRICT.
PIN- 691532

3. BHASKARAN
S/O. BHASKARA PANICKER, MUKALUVILA VEEDU
MELKULANGARA MURI, VALAKOM VILLAGE, KOLLAM DISTRICT.
PIN-691532.

4. RADHAMONY
W/O. BHASKARAN, MUKALUVILA VEEDU, MELKULANGARA MURI
VALAKOM VILLAGE, KOLLAM DISTRICT.
PIN -691532

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

OP (FC).No. 545 of 2015 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- THE TRUE COPY OF THE PLAINT OP.NO. 1116/2013 OF THE
FAMILY COURT, KOTTARAKKARA.

EXHIBIT P2- THE TRUE COPY OF THE ORDER DATED 22-11-2013 IN I.A.NO.
1902/2013 IN OP.NO. 1116/2013 OF THE FAMILY COURT, KOTTARAKKARA.

EXHIBIT P3- THE TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE
OFFICER, VALAKOM FOR THE YEAR 2015-15 TO THE PETITIONER.

EXHIBIT P4- TRUE COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE
OFFICER, VALAKOM FOR THE YEAR 2015-16 TO THE PETITIONER.

EXHIBIT P5- THE TRUE COPY OF THE WRITTEN STATEMENT AND COUNTER CLAIM
FILED BY THE PETITIONER AND THE RESPONDENTS 2 TO 4.

RESPONDENT(S) ' EXHIBITS :NIL

TRUE COPY

P.S TO JUDGE

AL/-

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

O.P.(F.C.) No.545 of 2015

Dated this the 4th day of December, 2015

JUDGMENT

C.K.Abdul Rehim J.

In view of the limited relief sought for and in view of the relief proposed in the above O.P, issuance of notice to the respondents is dispensed with.

2. The petitioner is approaching this Court seeking direction for an early disposal of O.P.No. 1116/2013 pending on the files of the Family Court, Kottarakkara, within the time limit to be stipulated. The petitioner herein is the 4th respondent in O.P. No.1116/2013, which was instituted by the first respondent against the petitioner and respondents 2 to 4. The claim in the O.P is for realisation of money and value of gold ornaments and also for payment of maintenance. According to the petitioner, the respondents have filed written statement and counter claim before the court below and the case now stands posted for trial, after completing the pretrial steps. It is pointed out that, due to an interim order of attachment issued by the court below as per Ext.P2 is in force, the petitioner and the respondents 2 to 4 are put to severe prejudice and legal injuries. It is stated that, despite pointing out urgency in the matter, the Family court is not taking steps for earlier disposal of the case and that the first respondent is dragging the matter purposefully. Hence the petitioner is approaching this Court invoking

the supervisory powers vested under Article 227 of the Constitution of India.

3. When the case came up for consideration, we directed the Registry to call for a report from the Family Court with respect to the present stage of O.P.No. 1116/2013 and with respect to the maximum time required for disposal of the same. A report received from the learned Judge, Family court, Kottarakkara, dated 30.11.2015 would indicate that the O.P stands posted to 1.2.2016 for evidence. It is also pointed out in the report that there is heavy pendency of old cases in the said court. However, the learned Judge had undertaken to dispose of the matter within an outer limit of one year.

4. While considering the report of the Judge of the Family Court, Kottarakkara, we notice that the case is of the year 2013 and it stands posted for evidence. Hence it is only just and proper to have an early disposal of the matter.

Therefore, the above O.P is hereby disposed of by directing the Family Court to take all earnest efforts to dispose of O.P. No. 1116/2013 at the earliest possible, at any rate, within a period of four months from 1.2.2016, the date on which the case now stands posted for evidence.

Sd/-

C.K.Abdul Rehim, Judge

Sd/-

Mary Joseph, Judge

al/-

True copy

P.S.to Judge