

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 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

OP (FC).No. 558 of 2015 (R)

I.A.NO.2155/2015 IN OP 411/2014 of FAMILY COURT, IRINJALAKUDA
DATED 9.11.2015

PETITIONER(S)/PETITIONER:

SAJIL T DEVADAS, AGED 41 YEARS
S/O.THACHAPPILLY DEVADAS, ENGANDIYOOR VILLAGE
CHAVAKKAD TALUK, THRISSUR
REP BY POWER OF ATTORNEY HOLDER
SHEILA, AGED 67 YEARS, W/O.THACHAPPILLY DEVADAS,
ENGANDIYOOR VILLAGE
CHAVAKKAD TALUK, THRISSUR

BY ADV. SRI.RAJIT

RESPONDENT(S)/RESPONDENTS/1ST RESPONDENT :

HONEY SABU, AGED 38 YEARS
D/O.M.N.SABU, 'AGADA', MANGATTU VEEDU, NADAVARAMBU
VELOOKKARA, MUKUNDAPURAM, THRISSUR 680 504

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 18-12-2015,
ALONG WITH OPFC. 559/2015 AND OPFC.560/15, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

VS

OP (FC).No. 558 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:- A TRUE COPY OF THE O.P.NO.411/2014 FILED BY THE PETITIONER
 BEFORE THE FAMILY COURT, IRIJNALAKKUDA**
- EXT.P2:- A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER IA
 2155/2015 IN OP NO 411/2014 OF THE FAMILIY COURT, IRINJALAKUDA**
- EXT.P3:- A TRUE COPY OF THE ORDER DTD 9/11/2015 IN IA NO 2155/2015 IN OP NO
 411/2014 OF THE FAMILY COURT, IRINJALAKUDA**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

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

O.P.(FC) Nos.558, 559 & 560 of 2015

Dated this the 18th day of December, 2015

JUDGMENT

C.K.Abdul Rehim, J.

Since the order impugned in all the above three original petitions are identical and arose out of three cases which are jointly tried by the Family court and since the parties are common, all the three cases were considered together and disposed of through this common judgment.

2. The petitioner in these cases (first petitioner in O.P.(FC).No.559/15) is the husband of the respondent. Three cases touching the matrimonial disputes between them are pending disposal before the Family court, Irinjalakuda as O.P.No.411/2014, G.O.P.Nos.390/2014 and 425/2014. Challenge in all the above three cases are against disallowance of interim applications filed by the petitioner

seeking for removal of the cases from the trial list. I.A.No.2155/2015 filed in O.P.No.411/2014 and I.A.No.2158/2015 filed in G.O.P.No.390/2014 are disallowed through the impugned orders. Whereas, I.A.No.2138/2015 filed in G.O.P.No.425/2014 is allowed in part observing that there is no reason to remove the case from the list, but by granting an adjournment. It is contended that the removal of the case from the trial list is sought for on the basis that the petitioner is abroad and he will get leave only during March 2016. According to the petitioner, he can appear before the court and adduce evidence only when he is coming back on leave. Therefore removal of cases from the trial list and adjournment of the cases to March 2016, is sought for. The court below while declining the relief has not mentioned any reasons. Rather, it is a highly cryptic order through which the applications were disallowed. The impugned orders does not reflect any advertance to the reasons mentioned for seeking the adjournment. No proper

application of mind by the court below is reflected in the orders impugned. However, it is evident from the order passed in I.A.No.2138/2015 in G.O.P.No.425/2014 that the case is adjourned, even though removal from the trial list is not allowed.

3. Despite service of notice from this Court, the respondent has not entered appearance and contested the case. This Court is of the considered opinion that, interest of justice can be achieved by directing the Family court to consider the interim applications afresh and to take an appropriate decision, with due advertance to the reasons mentioned in those applications seeking adjournment.

Hence the impugned orders in all these three original petitions are hereby set aside. The Family court is directed to consider and pass fresh orders in I.A.No.2155/2015 in O.P.No.411/2014, I.A.No.2158/2015 in G.O.P.No.390/2014 and I.A.No.2138/2015 in G.O.P.No.425/2015, taking note of the reasons upon which

removal of the cases from the trial list and the adjournment is sought for.

Sd/-
C.K.ABDUL REHIM, JUDGE

Sd/-
MARY JOSEPH, JUDGE

VS