

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

OP (FC).No. 576 of 2015 (R)

OP 2317/2013 of FAMILY COURT,ERNAKULAM

PETITIONER:

GREESHMA.A.MURALI AGED 22 YEARS
D/O.BEENA, AMMUPPILLY HOUSE, THANNIPUZHA
OKKAL POST, ERNAKULAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT:

MURALI A.K, AGED 52 YEARS
S/O.LATE KUTTAPPAN, AMMUPPILLY HOUSE, VATTAPARAMBU POST
VATTAPARAMBU, KODISSERY, ERNAKULAM-683 599.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 22-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 576 of 2015 (R)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P-1: COPY OF O.P NO.2317/2013 FILED BY THE PETITIONER BEFORE
THE FAMILY COURT, ERNAKULAM.

EXT.P-2: COPY OF THE COUNTER AFFIDAVIT FILED BY THE RESPONDENT IN
THE ABOVE O.P

EXT.P-3: COPY OF THE PROOF AFFIDAVIT DATED 20.6.2015 FILED BY THE
PETITIONER

RESPONDENT(S) ' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

C.K. ABDUL REHIM & ALEXANDER THOMAS, JJ.

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O.P.(F.C.) No.576 of 2015

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Dated this the 22nd day of December, 2015

JUDGMENT

Abdul Rehim, J.

In view of the limited relief sought for in this Original Petition, and in view of the relief proposed to be granted, issuance of notice to the respondent is dispensed with.

2. In this Original Petition, filed under Article 227 of the Constitution of India, the petitioner herein, who is the petitioner before the Family Court, Ernakulam in O.P.No.2317/2013, is seeking direction for an early disposal of the said case, within a time frame to be fixed by this Court.

3. The Original Petition before the Family Court is filed against the respondent herein seeking realisation of educational expenses and marriage expenses. It is stated that the respondent had already filed counter affidavit in the case and the case now stands posted for recording evidence before the court below. The petitioner had already filed proof affidavit as early as on

20-06-2015. Thereafter the court below had adjourned the case without proceeding with further steps for conclusion of the trial and for pronouncing the judgment, is the averments. Hence the petitioner is approaching this court seeking reliefs as mentioned above.

4. When the case was came up for admission on 08-12-2015, the Registry of this court was directed to call for a report from the Family Court, Ernakulam with respect to the present stage of the case and also with respect to the maximum time required for its disposal. Learned Judge of the Family Court, Ernakulam had forwarded a report dated 17-12-2015. It is indicated that, mediation and counselling in the case was over on 26-09-2014 and the respondent had filed written objections. It is further mentioned that the petitioner had filed proof affidavit and the case now stands posted on 14-01-2016 for evidence. But the learned Judge has pointed out that, there is a huge pendency of old cases targeted for disposal and there are also old cases wherein directions have been issued by this Court for early disposal. It is pointed out that old cases filed upto the year 2012 are pending disposal before the Family Court. Therefore, it is indicated that, at least a period of six months is

required for a final disposal of the case.

5. Taking note of the report submitted by learned Judge of the Family Court, this Court is of the opinion that no specific time limit could be stipulated for disposal of the case. The undertaking made by the court below is taken on record. The Original Petition is hereby disposed of by directing the Family Court to take all earnest efforts for disposal of the case at the earliest possible, at any rate, within the time mentioned in the report.

Sd/- C.K. ABDUL REHIM, JUDGE

Sd/- ALEXANDER THOMAS, JUDGE

MJL