

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

OP (FC).No. 267 of 2014 (R)

AGAINST THE ORDER/JUDGMENT IN OPGW 431/2014 of FAMILY COURT,KOLLAM
DATED 20-05-2014

PETITIONER:

A.T.MITHRA
D/O.ASHAKESAN, MANIMANDIRAM, AMBA NAGAR
E6 T.C NO 26/455, VANCHIYOOR P.O
THIRUVANANTHAPURAM PIN 695 535

BY ADVS.SRI.B.VINOD
SRI.I.V.PRAMOD
SRI.H.JOSH

RESPONDENT(S) :

ANILKUMAR N, AGED 39 YEARS
S/O.NATARAJAN CHETTIYAR, M.G NAGAR KILIKOLLOOR P.O
DIVISION NO 10, KOLLAM CORPORATION PIN 691 004

R1 BY ADV. SRI.THOMAS JOHN AMBOOKEN
R1 BY ADV. SRI.B.SAJEEV KUMAR

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 09-01-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 267 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE ORDER DATED 20-05-2014 IN I.A NO 702/14
IN O.P (G&W) 431/14 OF THE FAMILY COURT,KOLLAM

EXHIBIT P2 TRUE COPY OF THE DISCHARGE SUMMARY DT 15-12-2013 ISSUED
FROM MATHA AYURVEDA EYE HOSPITAL

EXHIBIT P3 TRUE COPY OF THE CHALLAN PAYMENT THROUGH CANANRA BANK FOR
ADMISSION TO BHARATIYA VIDYA BHAVAN TVM

EXHIBIT P4 TRUE COPY OF THE CASE SHEET DATED 04-04-2013

EXHIBIT P5 TRUE COPY OF THE OP(G&W) 365/2011 BEFORE THE FAMILY
COURT,KOLLAM BY THE RESPONDENT DT 18-03-2011

EXHIBIT P6 TRUE COPY OF COMPLAINT OF THE RESPONDENT DT 31-01-2014

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

P.S TO JUDGE

lgk

V.K.MOHANAN & P.D.RAJAN, JJ

.....
OP(FC)No.267 of 2014

.....
Dated 9th JANUARY, 2015

JUDGMENT

V.K.MOHANAN, J

The petitioner, who is the mother of a six year old boy, viz Adrid, preferred the above OP under Article 226 of the Constitution of India, aggrieved by Ext.P1 order dated 20.5.2014 in I.A.No.712 of 2014 in O.P(G&W) No.431 of 2014 by which the Family Court, Kollam directed her to hand over the ward to the respondent herein till 31.5.2014.

2. When the above O.P came up for consideration, this court, by order dated 30.5.2014 stayed the operation of the above order.

3. When the matter is again taken today for consideration, the learned counsel appearing for the respondent submitted that the respondent, who is the petitioner in I.A.702 of 2014 in the court below is not pressing the above petition since the period for which the interim order was granted in favour of him is already

over, though stayed by this court. At the same time, learned counsel for the petitioner submitted that as per the impugned order, learned Judge directed the mother, the petitioner herein to produce the Transfer Certificate of the ward. We are unable to understand as to under what circumstance, court below directed the petitioner herein to produce the Transfer Certificate, especially when the prayer in the above I.A was only for interim custody which was granted upto 31.5.2014.

4. As the main petition is pending before the court below, we do not propose to go into the merits of the rival contentions and we are of the view that the court below can be directed to dispose of the main matter pending before that court, especially in the light of the submission made by the learned counsel appearing for the respondent herein.

In the result, this original petition is disposed of directing the Family Court, Kollam to dispose of O.P (G&W) 431 of 2014, as expeditiously as possible, and if any interlocutory application is filed for interim custody

of the child, it is for the court to consider such petition and pass appropriate orders considering the welfare of the child.

Subject to the above observations, this original petition is disposed of.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

lgk