

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

OP (FC).No. 364 of 2014 (R)

PETITIONER(S):

1. ABDUL KHADER, AGED 48 YEARS,
S/O.MAMMED, PALAMADATHIL ERIYAT HOUSE, PAKKADAPPURAYA
KOORIYAD P.O, THIRURANGADI TALUK,
MALAPPURAM DISTRICT-676 306.
2. SUHARA, AGED 45 YEARS,
W/O.ABDUL KHADER, PALAMADATHIL ERIYAT HOUSE
PAKKADAPPURAYA, KOORIYAD P.O, THIRURANGADI TALUK
MALAPPURAM DISTRICT-676 306.

BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.PRAVEEN C.PARAVATH
SRI.V.S.SHIRAZ BAVA

RESPONDENT(S):

NAFEESA RINSHI, AGED 20 YEARS,
D/O.ABDUL KHADER, VETTEKKAT PARAMBA, ALUNGAL
THENHIPALAM AMSOM, POST THENHIPALAM
THIRURANGADI TALUK, MALAPPURAM DISTRICT-678 011.

BY ADV. SRI.R.RAMADAS

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC).No. 364 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. COPY OF THE MEMORANDUM OF ORIGINAL PETITION NUMBERED AS
OP[G&W] 274/14 PENDING BEFORE THE HONOURABLE FAMILY COURT TIRUR.

EXHIBIT P2. COPY OF IA 585/14 IN OP 274/14.

EXHIBIT P3. COPY OF OBJECTION DATED 5.5.14 TO EXHIBIT P2 PETITION.

EXHIBIT P4. COPY OF DEPOSITION OF PW1 DATED 22.5.14.

EXHIBIT P5. COPY OF DEPOSITION OF PW2 DATED 22.5.14.

EXHIBIT P6. COPY OF DEPOSITION OF RW1 DATED 30.5.14.

EXHIBIT P7. COPY OF ORDER DATED 21.6.14 IN IA 585/14 IN OP 274/14.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

O.P.(F.C.)No.364 of 2014

Dated this the 7th day of January, 2015.

J U D G M E N T

P.D.Rajan, J.

The respondent is the daughter of the petitioners herein and they filed O.P.(G&W)No.274/14 before the Family court, Tirur, by which the petitioners were denied the custody of their minor children. Now, in the above original petition, I.A.No.585/14 (Ext.P2) was filed by the petitioners for getting the interim custody of their minor children, in which the Family court passed Ext.P7 order. Aggrieved by that, the petitioners approached this Court. When the matter came up for consideration, the learned counsel for the respondent submitted that the case is ripe for trial and if evidence is adduced, final disposal can be made immediately without any delay.

2. We heard the learned counsel for the petitioners.
3. Considering the submissions on both sides, we are

of the view that, if the case is ripe for trial, it is better to dispose of the matter on merit, untrammelled by the several observations made by the lower court. Therefore, we are of the view that the matter can be disposed of at the earliest, at least within a period of 3 months from the date of receipt of copy of this judgment.

This petition is disposed of accordingly.

Sd/-

V.K.MOHANAN, Judge

Sd/-

P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge