

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

OP (FC).No. 587 of 2014 (R)

OP 1720/2013 of FAMILY COURT, ATTINGAL

PETITIONER(S) :

SHAHIR, AGED 35 YEARS

S/O.E.M.BASHEER, CHARIPURATHU PUTHEN VEEDU, CHALACODU
PUNALOOOR PAPER MILL P.O., KOLLAM DISTRICT, KRALA.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENT(S) /RESPONDENTS:

1. FOUSIA,
D/O.ABDUL MAJEEDU, HIDAYATHU MANZIL, NILAMEL P.O.
NOW RESIDING AT JASEENA MANZIL, GURMANDIRAM ROAD
THATTATHUMALA P.O., PAXHAYAKUNNUMEL VILLAGE
CHIRAYINKEEZH TALUK, TRIVANDRUM DISTRICT-695 614.
2. SUBUHANA (MINOR) ,
D/O.FOUSIA, HIDAYATHU MANZIL, NILAMEL P.O.
NOW RESIDING AT JASEENA MANZIL, GURMANDIRAM ROAD
THATTATHUMALA P.O., PAXHAYAKUNNUMEL VILLAGE
CHIRAYINKEEZH TALUK, TRIVANDRUM DISTRICT-695 614.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC) .No. 587 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE O.P.1720/2013 BEFORE THE FAMILY COURT,
ATTINGAL.

EXHIBIT P2: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DATED
12.08.2013.

EXHIBIT P3: TRUE COPY OF THE APPLICATION EARLY POSTING OF THE CASE
DATED 18.07.2014.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE

ami/

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

O.P.(F.C.)No.587 of 2014

Dated this the 5th day of January, 2015.

J U D G M E N T

Mohanan, J.

This original petition is preferred at the instance of the 1st respondent/husband in O.P.No.1720/13 pending before the Family court, Attingal, with a prayer to issue a direction or order directing the Family court, Attingal, to consider and pass appropriate orders in Ext.P3, which is an application ie., I.A.No.1176/14 filed by the petitioner for an early disposal of O.P.No.1720/13 and also prayed to issue a direction or order directing the Family court, Attingal, to consider and pass final order in O.P.No.1720/13.

2. When the above writ petition came up for consideration, by order dated 12.12.2014, this Court directed the Registry to obtain a report from the Family court, Attingal, as to whether O.P.No.1720/13 is ripe for trial and if so, at what time the matter can be disposed of.

Accordingly, the Registry obtained a report from the Presiding Officer of the Family court, Attingal.

3. We have perused the report dated 17.12.2014 furnished by the learned Judge of the Family court, Attingal, in which it is stated that O.P.No.1720/13 pending on the file of the said court is ripe for trial and when the case was called on 17.12.2014, it was reported that the respondent/the petitioner herein is working abroad and accordingly, the court adjourned the case to 12.2.2015 for appearance of both the parties. It is also reported that M.C.No.338/13 is a connected case which also stands posted along with O.P.No.1720/13 for joint trial. The Presiding Officer has also reported that the matters can be disposed of within 6 months from the date of appearance of both the parties for evidence.

4. Having regard to the facts and circumstances involved in the case, we are of the view that, recording the undertaking of the learned counsel for the petitioner that

the petitioner will appear before the court below on 12.2.2015, this original petition can be disposed of.

In the result, this original petition is disposed of directing the court below to dispose of O.P.No.1720/13 and the connected M.C. within 6 months from the date of appearance of the parties, ie., on 12.2.2015. If there is any failure on the part of either of the parties in appearing before the court below on the above date, the court below can take appropriate steps and proceed with the trial of the case and dispose the same within the time stipulated above.

Original petition is disposed of accordingly.

Sd/-
V.K.MOHANAN, Judge

Sd/-
P.D.RAJAN, Judge

ami/

//True copy//

P.A.to Judge