

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 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

OP (FC).No. 589 of 2014 (R)

OP 283/2011 of FAMILY COURT,KOLLAM

PETITIONER(S)/PLAINTIFF:

TRIPTHA KRISHNA.K.S., AGED 30 YEARS
D/O.FRENY, KRISHNATHU MADOM HOUSE, CHANDANATHOPU P.O.
KOLLAM.

BY ADV. SRI.ARUN BABU

RESPONDENT(S)/DEFENDANT 1 - 3:

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1. BIMAL RAJ.V.L., AGED 40 YEARS
S/O.VELAYUDHAN PILLAI, BIJI VIHAR
SAKTHIKULANGARA VILLAGE, SAKTHIKULANGARA P.O., KOLLAM.
 2. LEELA BAI,, AGED 67 YEARS
W/O.VELAYUDHAN PILLAI, BIJI VIHAR
SAKTHIKULANGARA VILLAGE, SAKTHIKULANGARA P.O., KOLLAM.
 3. JAYA,, AGED 40 YEARS
W/O.BINU RAJ, BIJI VIHAR, SAKTHIKULANGARA VILLAGE
SAKTHIKULANGARA P.O., KOLLAM.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC) .No. 589 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: COPY OF THE PETITION IN O.P.283/11 OF FAMILY COURT, KOLLAM.

P2: THE PRESCRIPTION SHEET DATED 30/3/2013 OF THE PETITIONERS MOTHER,
FRENY.

P3: COPY OF THE I.A.2344/14 IN O.P.283/11 OF FAMILY COURT, KOLLAM.

P4: COPY OF THE I.A.2343/14 IN O.P.961/13 OF FAMILY COURT, KOLLAM.

RESPONDENT(S) ' EXHIBITS

TRUE COPY

PA TO JUDGE.

acd

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

O.P.(FC) No. 589 of 2014

Dated this the 16th day of January, 2015

JUDGMENT

P.D.Rajan,J.

This O.P.(FC) is filed by the petitioner/wife under Article 227 of the Constitution of India seeking for a direction to dispose of O.P.No.283/2011 pending before the Family Court, Kollam within a time frame, which is filed for recovery of money and gold ornaments. There was also a request from the side of the petitioner to dispose of other O.P.Nos.336/2011 for divorce and O.P.(G&W) 259/2011 for custody of the child, filed by the 1st respondent/husband and O.P.No. 961/2013 filed by the petitioner/wife for partition of the property, pending before the Family Court, Kollam

within a time frame.

2. The petitioner's case is that her marriage with the 1st respondent was solemnized on 01.05.2002 at Kollam as per customary rites and in the wedlock a child, by name Anandhu was born to them. The child is now aged 10 years. At the time of her marriage, 270 sovereigns of gold and ₹6.5 lakhs were given to her, which were misappropriated by the husband. An extent of 2.43 Ares of property was also purchased in the name of the petitioner and the 1st respondent, which is also to be partitioned. Subsequently, their relationship became strained and the petitioner and the 1st respondent preferred the above O.Ps. before the Family Court, Kollam.

3. The learned counsel for the petitioner submits that the mediation talks between the parties failed due to the arbitrary attitude of the respondents. Now the

petitioner filed I.A.No.2344/2014 in O.P.No.283/2011 for including the case in the list and taking evidence and I.A.No.2344/2014 for joint trial of the above O.Ps, which are pending before the Family Court.

3. Now the petitioner approached this Court with this petition for an early disposal of the above O.Ps. On the basis of the above, a report was called from the Family Court, Kollam, which reads as follows:

"Referring to the above, I may report that OP 283/2011 is a case filed by Smt. Thriptha Krishna for realisation of gold and money. On 13/06/2012 both parties appeared before court and the case was referred for mediation. On 13/08/2013 a report was received from the Mediation Centre stating that the case was not settled. Then the case was adjourned to 05/11/2013 and 02/12/2013 for filing objection. On 02/12/2013 respondent filed objection. Now the case stands posted for pre-trial steps and evidence to 21/01/2015.

It is submitted that there are three other Ops; OP(G&W) 259/2011, OP (HMA) 336/2011 and OP 961/2013 for partition of petition schedule property are pending before this court between the same parties. All the Ops are ripe for trial.

In this connection it is submitted all the Ops

can be disposed off within six months if the parties co-operate."

The learned counsel appearing for the petitioner contended that they are ready to co-operate with the trial. If that be the position, the learned Judge of the Family Court, Kollam is directed to dispose of the matter as stated in the report within six months from the date of producing a copy of this judgment before the Family Court, Kollam.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

