

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 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

OP (FC).No. 593 of 2014 (R)

AGAINST THE ORDER IN I.A.NO.1118/2014OP 9/2011 of MUNSIFF COURT,
PUNALUR DATED

OP 914/2013 of FAMILY COURT, KOTTARAKKARA

PETITIONER(S) :

REHANA AGED 27 YEARS
D/O. UMMER KHAN, ROSE VILLA, MUSAVARIKUNNU
PUNALUR VILLAGE, PATHANAMTHITTA TALUK
KOLLAM DISTRICT.

BY ADV. DR.PAULY MATHEW MURICKEN

RESPONDENT(S) :

1. SAINUDHEEN
S/O. ALIYAR RAWTHER, ALANKARATH PUTHENVEETIL
VALAKODE MURI, VALAKODE VILLAGE, PATHANAPURAM TALUK
KOLLAM DISTRICT-691 009.
2. JAMEELA SAINUDHEEN
W/O. SAINUDHEEN, ALANKARATH PUTHENVEETIL
VALAKODE MURI, VALAKODE VILLAGE, PATHANAPURAM TALUK
KOLLAM DISTRICT-691 009.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC) .No. 593 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1 : COPY OF THE PLAINT IN OP NO.914/2013 FILED AGAINST THE PETITIONER AND HER MINOR CHILD BY THE RESPONDENTS HEREIN BEFORE THE HON'BLE FAMILY COURT, KOTTARAKKARA.
- P2 : COPY OF THE OBJECTIONS/WRITTEN STATEMENT DTD.1.8.2014 FILED BY THE PETITIONER.
- P3 : COPY OF THE PETITION FILED BY THE PETITIONER AND HER MINOR CHILD BEFORE THE HON'BLE MUNSIF COURT, PUNALUR AS SUCCESSION OP NO.9 OF 2011.
- P4 : COPY OF THE INTERLOCUTORY APPLICATIONS FILED AS IA NO.1118 OF 2014 IN OP(SUCCESSION)NO.9/2011.
- P5 : COPY OF THE OBJECTION FILED BY THE PETITIONER IN IA NO.1118/2014 IN OP(SUCCESSION)NO.9/2011.
- P6 : COPY OF THE ORDER DTD.4.7.2014 PASSED BY THE HON'BLE MUNSIF COURT, PUNALUR IN IA NO.1118/2014 IN OP(SUCCESSION)NO.9/2011.
- P7 : COPY OF THE IA DTD.20.9.2013 FILED IN OP NO.914/2013.
- P8 : COPY OF THE PETITION FILED UNDER SEC.7 OF THE FAMILY COURTS ACT AND SEC.25 OF THE GUARDIAN AND WARDS ACT AS OP(GW)NO.416/2011 BEFORE THE HON'BLE FAMILY COURT, KOTTARAKKARA.

RESPONDENT(S) ' EXHIBITS

TRUE COPY

PA TO JUDGE.

acd

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

O.P.(FC) No. 593 of 2014

Dated this the 14th day of January, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioner herein is the 1st respondent in O.P.No.914/2013 pending before the Family Court, Kottarakkara. The above original petition was instituted at the instance of the respondents herein seeking a relief of declaration that the petitioner herein is not the wife of one Ashraf Ali, who is no more and further for determination of paternity of the minor child of the petitioner herein, who is the 2nd respondent in the court below.

2. The grievance of the petitioner is that as per Ext.P6 order in I.A.No.1118/2014 in O.P.(S) No.9/2011 pending before the Munsiff Court, Punaloor, proceedings

therein is stayed till the disposal of O.P.No.914/2013 pending before the Family Court, Kottarakkara. So, according to the petitioner herein, because of the above order, successive O.P. could not be proceeded. Therefore, it is prayed to issue an order or direction directing the Family Court to dispose of O.P.No.914/2013 as expeditiously as possible, within a time to be fixed by this Court.

3. When the above writ petition came up for consideration, by order dated 16.12.2014, we directed the Registry to obtain a report from the Presiding Officer of the Family Court, Kottarakkara as to whether O.P.No.914/2013 is ripe for trial and the probable date within which the same can be disposed of. Accordingly, the learned Judge of the Family Court filed a report before the Registry. We have perused the same.

4. In the above report, the learned Judge of the Family Court has stated that O.P.No.914/2013 is not ripe for trial, since some interlocutory applications were filed in the said original petition to which no objection is seen filed. It is also reported that O.P.No.914/2013 now stands posted on 23.2.2015 for hearing I.A.Nos.1583/2013 and 1664/2013. It is also reported by the learned Judge that at least six months' time is required after getting the O.P. ripe for trial for the disposal of the above O.P.

5. Having regard to the facts and circumstances of the case and in view of the urgency pointed out by the learned counsel for the petitioner, we are inclined to dispose of this original petition directing the learned Judge of the Family Court, Kottarakkara to expedite the proceedings in O.P.No.914/2013 and dispose the same without further delay.

In the result, this O.P.(FC) is disposed of directing the learned Judge of the Family Court, Kottarakkara to expedite the proceedings in O.P.No.914/2013 and dispose the same as expeditiously as possible, at any rate, within six months from the date of producing a copy of this judgment before the said Court.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

