

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

OP (FC).No. 603 of 2014 (R)

AGAINST THE ORDER IN I.A.NO.2104/2014 IN OP 764/2012 ON THE FILES OF
FAMILY COURT, IRINJALAKUDA DATED 20.10.2014

PETITIONER/PETITIONER/RESPONDENT:

JAISON AGED 41 YEARS
S/O.THEKKEKARA KORATHVEETIL SANI
PULLUR DESOM AND VILLAGE, MUKUNDAPURAMTALUK.

BY ADV. SRI.P.V.GEORGE (PUTHIYIDAM)

RESPONDENT/RESPONDENT/PETITIONER:

RASNA, AGED 32 YEARS
D/O.KEKKADAN VEETIL JOSEPH, PUDUKKAD DESOM
THORAVU VILLAGE, MUKUNDAPURAM TALUK - 680 101.

R1 BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
R BY ADV. SRI.K.S.RAJESH

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 11-
12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (FC) .No. 603 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE ORDER DATED 20.10.2014 PASSED BY THE
FAMILY COURT, IRINJALAKUDA IN I.A.NO.2104/14 IN OP NO.764/2012.

RESPONDENT(S) ' EXHIBITS : NIL.

TRUE COPY

P.S. TO JUDGE

AL/-

**C.K.ABDUL REHIM &
MARY JOSEPH, JJ.**

O.P.(F.C) No.603 of 2014

Dated this the 11th day of December, 2015

JUDGMENT

C.K.Abdul Rehim J.

In this Original Petition filed under Article 227 of the Constitution of India, the petitioner who is the respondent in O.P. No.764/2012 on the files of the Family Court, Irinjalakuda is challenging an order passed by the said court in I.A.No.2104/2014.

2. The respondent herein filed O.P. No.764/2012 before the court below seeking dissolution of the marriage on the ground of alleged cruelty. The petitioner herein filed I.A.No.2104/2004 seeking joint trial of the said case with other connected cases, G.O.P. No.907/2013, O.P. No.763/2012, O.P.No.294/2013 and M.C. No. 92/2013. The court below noticed that the respondent herein had filed an earlier application as I.A. No. 1916/2014 seeking joint trial of O.P.No.764/2012 with O.P.No.261/2014 and this Court in O.P.(F.C) No.368/2014, had issued a direction to conduct joint trial of both the said cases. Hence the Family Court observed that, since the O.P. No.764/2012 stands posted under joint trial with O.P. No.261/2014 and since the issue to be decided in the other cases are outside the purview of the issue to be decided in those cases, joint trial with the other cases will only belate and protract

disposal of those two cases. It was also observed that the petitioner has not raised the relief for joint trial of all the cases, when this Court considered O.P. (F.C)No. 368/2014. Therefore, the prayer is declined. It is aggrieved by the said order, copy of which is produced as Ext.P1, the above original petition is filed.

2. Heard; counsel on both sides. It is evident that there are six cases pending before the Family Court, arising out of the same matrimonial relationship. Parties are common in all the said cases. The issues to be decided are closely related. Hence, it is necessary in the interest of justice to have a joint trial of all the cases, which will considerably reduce wastage of judicial time and will help in avoiding conflicting decisions. The denial of the present application seeking joint trial, based on the fact that O.P.No.764/2012 was already ordered to be tried along with another case, cannot be found as a hindrance. The court below ought to have appreciated as to whether there is any impediment in conducting joint trial of all the cases together.

3. Learned counsel appearing on both side submitted that O.P.No.763/2012 stands disposed of on the files of the Family court. The remaining cases are G.O.P.No.906/2013, O.P.No.764/2012, O.P.No.294/2013 & M.C. No. 92/2013. This Court is of the opinion that, it is feasible to have a joint trial of all the above said cases. Counsel on both side agreed that there may not be any prejudice caused, if the above cases are tried together .

4. Hence the original petition is hereby allowed. Ext.P1 order

passed by the Family court in I.A. No. 2104/2014 in O.P. No.764/2012 is hereby quashed. The interim application will stand allowed. it is ordered that the Family Court shall conduct joint trial of G.O.P.No.906/2013, O.P.No.294/2013, O.P. No.764/2012 & M.C. No. 92/2013.

5. Considering the fact that the cases are mainly of the year 2012 and 2013, it is directed that the Family court will take all earnest efforts to dispose of the cases at the earliest possible, at any rate within a period of six months from the date of receipt of a copy of this judgment.

Sd/-

C.K.Abdul Rehim, Judge

Sd/-

Mary Joseph, Judge

al/-

True copy

P.S to Judge