

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. 608 of 2014 (R)

PETITIONER(S)/PETITIONER:

**JEMY JOSEPH AGED 30 YEARS
D/O.JOSEPH, PALATHINGAL HOUSE
IRINJALAKUDA VILLAGE & DESOM, MUKUNDAPURAM TALUK
THRISSUR DIST**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S)/RESPONDENT:

**RENAL RAPPAI
S/O.RAPPAI, MAVELI HOUSE, THURAVNKADU DESOM
PULLUR VILLAGE, MUKUNDAPURAM TALUK
THRISSUR DIST-680001**

**THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (FC).No. 608 of 2014 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1:- A TRUE COPY OF THE IA 2278/2014 IN OP 794 OF 2013 BEFORE THE
FAMILY COURT, IRINJALAKUDA DTD 22/10/2014**

**EXHIBIT P2:- A TRUE COPY OF OBJECTION FILED BY THE PETITIONER IN IA
2278/2014 IN OP 794 OF 2013 BEFORE THE FAMILY COURT
INRINJALAKUDA DTD 22/11/2014**

**EXHIBIT P3:- A TRUE COPY MEDICAL CERTIFICATE ISSUED FROM CRAFT HOSPITAL
KODUNGALLOOR DTD NIL**

**EXHIBIT P4:- A TRUE COPY OF DISCHARGE SUMMARY ISSUED FROM CRAFT
HOSPITAL KODUNGALLOOR DTD 6/9/2014**

**EXHIBIT P5:- ORDER PASSED IN IA 2278/2014 IN OP 794 OF 2013 BEFORE THE
FAMILY COURT IRINJALAKUDA DTD 20/12/2014**

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

V.K. MOHANAN & P.D. RAJAN, JJ.
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O.P.(FC). No. 608 of 2014
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Dated this the 5th day of January, 2015

JUDGMENT

V.K.Mohanan,J.

The challenge in the above original petition under Article 227 of the Constitution of India, is against Ext.P5 order, at the instance of the mother of the ward namely Angel Maria, who is the daughter of the petitioner and the respondent. By the impugned order, the learned Judge of the Family Court made some arrangements for the interim custody of the child with the petitioner therein, who is the father. On a reading of Ext.P5 it would show that the said arrangement was for two days, i.e., on 26th and 27th December, 2014 between 10AM to 4.30PM. While admitting the above original petition, by order dated 23.12.2014, this Court stayed operation of the above order.

2. As on today, the above original petition virtually become infructuous. So no further orders are necessary in

the above original petition and thus the original petition is liable to be dismissed as infructuous.

The learned counsel appearing for the respondent expressed his apprehension that in case any of the parties the Family Court again for interim custody of the child, the order passed by this Court is likely to influence the court below. We are sure that in case any of the parties approach the court below for interim custody of the child, the court below will pass appropriate orders considering the welfare of the child, untrammelled by the order issued by this court on 23.12.2014 in I.A. No.2278 of 2014.

This original petition is accordingly dismissed as infructuous, however subject to the above observations.

Sd/-
V.K. MOHANAN
JUDGE

Sd/-
P.D. RAJAN
JUDGE