

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

RP.No. 1012 of 2014 (R) IN OP (FC).196/2014

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IN OP (FC) 196/2014 of HIGH COURT OF KERALA DATED 04-06-2014**

REVIEW PETITIONER(S)/REVIEW PETITIONER/PETITIONER:

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GEETHA SHAJI AGED 52 YEARS
W/O M.K.SHAJI, 11TH CROSS, UDAYA NAGAR
SANKARAMKULANGARA TEMPLE ROAD, THRISSUR.**

**BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.A.K.RAJESH**

RESPONDENT(S)/RESPONDENT/RESPONDENT:

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SHAJI M.K, S/O MALIYAM VEETIL KUMARAN,
RETIRED JUDGE, NEAR KZHIKKULANGARA TEMPLE,
HOSPITAL ROAD, CHAVAKKAD TALUK.**

R BY SRI.C.S.DIAS

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05-03-2015,
THE COURT, ALONG WITH TR.P.(C). No.413 OF 2014 & OP(FC) No.560 OF 2014,
ON THE SAME DAY PASSED THE FOLLOWING:**

das

V.K. MOHANAN & A.HARIPRASAD, JJ

R.P.No.1012 of 2014,
Tr.P.(C) No. 413 of 2014
and
O.P.(FC) No.560 of 2014

Dated this the 5th day of March, 2015

ORDER

Mohanana, J.

The review petitioner and the respondent are wife and husband and because of discordial relationship, the husband preferred O.P. No.603/2013 for divorce. Aggrieved by the common order in I.A. Nos.42/2014 and 50/2014 in O.P. 603/2013, the wife preferred O.P.(FC) No.196/2014 and this Court by judgment dated 4.6.2014 disposed of the above Original Petition. While allowing the original petition and setting aside the impugned order the wife is allowed to take interim custody of the mentally challenged son from the respondent on second Thursday of every month at 10.00 a.m. till 4.00 p.m. on the next day (Friday). The Presiding Officer Family Court, Irinjalakuda is directed to see that this

order is complied with promptly and without any complaint. It is against the above order the present review petition is filed. We find no error apparent on the face of the record or order so as to review the above judgment. There is material irregularity or illegality as well. Consequently the above review petition stands dismissed.

2. The very same wife filed Tr.P.(C) No.413/2014 before this Court with a prayer to transfer O.P.No.603/2013 from Family Court, Irinjalakuda to Family Court, Thrissur.

3. During the hearing of the above review petition as well as the Transfer Petition, the learned counsel appearing for the petitioner submitted that the respondent has not paid the maintenance amount already ordered by the court below, ie, Annexure D (E.P. No.408/2014). Thus, the counsel submits that since the main matter (Annexure D) is pending before the Court below, the same can be ordered to be disposed of within a time limit and in the meanwhile the

Court may be directed to see that the amount due as per Annexure D is paid by the respondent.

4. The counsel for the respondent submitted that the respondent has already paid certain amount through cheque. Though, we are inclined to dispose of the Transfer petition rejecting the prayer of the petitioner, we direct the Family Court, Irinjalakuda to expedite the proceedings in O.P. No. 603/2013.

5. In the result, Transfer Petition No.413/2014 is dismissed. However, the learned Judge of Family Court, Irinjalakuda is direct to see that the amount due as per Annexure D is paid to the petitioner by the respondent provided the petitioner return the son of the respondent to him. Accordingly, as agreed by both the parties the petitioner is directed to produce the child in the house of the respondent in the morning at 9.30 on **12.03.2015** and to hand over to the respondent and the respondent is directed

to pay the amount due to the petitioner at that time under due acknowledgment and receipt.

6. In view of the order passed by this Court in Transfer Petition No.413/2014 no further orders are warranted in this Original Petition.

Accordingly O.P.(FC) No.560/2014 is closed.

Learned counsel for the respondent - husband, who filed Contempt Case No.11151/2015, submitted that in the light of the Order passed by this Court in this matter, he will not press the contempt case pending before this court. The above submission is recorded.

Sd/-
V.K. MOHANAN,
JUDGE.

Sd/-
A. HARIPRASAD,
JUDGE.

jjj