

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 3508 of 2015 (K)

PETITIONER:

SOUMYA P.J, AGED 29 YEARS,
D/O.JOLLY, PULIKKAL HOUSE, PALLIPURAM,
CHERAI P.O., PIN 683 514.

BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH

RESPONDENTS:

1. THE SECRETARY,
KUNNUKARA GRAMA PANCHAYATH, ERNAKULAM-683 578.
2. THE REGISTRAR OF BIRTHS AND DEATHS,
KUNNUKARA GRAMA PANCHAYATH, KUNNUKARA,
ERNAKULAM-683 578.
3. VINEESH M.N., AGED 35 YEARS,
S/O.MANOCHARAN, NELLIPALLIYIL HOUSE, VANIYAKAD,
MANNAM P.O. PARUR - 683 513.

R1,R2 BY ADV. SRI.S.SHANAVAS KHAN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE JUDGMENT OF THE FAMILY COURT ERNAKULAM,
IN OP NO.8/2013 DATED 02.07.2013.

EXHIBIT-P2: THE COPY OF THE MEDIATION AGREEMENT ARRIVED BETWEEN THE
PETITIONER AND THE 3RD RESPONDENT.

EXHIBIT-P3: THE COPY OF THE LETTER ISSUED BY THE MEDICAL RECORDS
OFFICER OF MANJALI MEDICAL COLLAGE DATED 04.06.2014 ADDRESSED TO THE
2ND RESPONDENT.

EXHIBIT-P4: THE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED
14.07.2014.

EXHIBIT-P4(a): THE ENGLISH TRANSLATED VERSION OF THE ORDER PASSED BY
THE 1ST RESPONDENT DATED 14.07.2014.

RESPONDENTS' EXHIBITS:

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 3508 of 2015 (K)

Dated this the 26th day of March, 2015.

JUDGMENT

The petitioner and the 3rd respondent, being the couple, had a son named Balasurya born on 20.02.2011. In course of time, owing to marital incompatibility, the petitioner and the 3rd respondent obtained divorce through Ext.P1 judgment in O.P. No. 8 of 2013. When the petitioner, having the custody of the child, approached the first respondent to effect change of address in the births and deaths register concerning the child, it was rejected through Ext.P4. The first respondent seems to have rejected the request of the petitioner based on the objection raised by the 3rd respondent, her erstwhile husband. Aggrieved thereby, the petitioner has filed the present writ petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath, apart from perusing the record.

3. The learned counsel for the petitioner has drawn my attention to Ext.P2 memorandum of agreement entered into between the petitioner and the 3rd respondent at the time of obtaining the divorce. He has submitted that the very decree of divorce in Ext.P1 was passed based on Ext.P2 memorandum of agreement. It is the singular contention of the learned counsel for the petitioner that in terms of Ext.P2 agreement, permanent custody of the child was given to the petitioner, the mother. In course of time, even the 3rd respondent got married and has his own family. In sum and substance, the learned counsel would contend that the first respondent does not have any justifiable reason to reject the petitioner's claim for change of address.

4. The learned counsel for the respondent Grama Panchayath has, on his part, submitted that the petitioner has sought not only the change of address but also the change of initial/surname, regarding which the third respondent has raised objections. As soon as the said submission is made, the learned counsel for the petitioner has submitted that the petitioner does

not press for change of surname of the child, but would like to confine herself to have the change of address.

5. Based on the submission made by the learned counsel, the learned counsel for the respondent Grama Panchayath, in my view fairly, has submitted that the first respondent does not have any objection to consider the petitioner's request for change of address, especially based on Ext.P2 memorandum of agreement.

In the facts and circumstances, this Court disposes of the writ petition with a direction to the first respondent to consider the petitioner's application for change of address in the births and deaths register concerning the entry regarding the petitioner's child, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

