

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20817 of 2007 (S)

AGAINST THE ORDER/JUDGMENT IN OP 1050/2005 of
FAMILY COURT, ERNAKULAM.

PETITIONER(S) :

T.G.SURENDRAN, AGED 30 YEARS,
S/O. GOVINDAN, THEKKUMKAATTIL HOUSE, PINARMUNDA KARA,
PERINGALA POST, ERNAKULAM-683 565.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT(S) :

ANUPAMA KRISHNAN, AGED 25 YEARS,
D/O. LATE KRISHNAN, THANIKUZHIYIL HOUSE,
THIRUVANIYOOR POST, PUTHANCRUZ-682 308.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 COPY OF THE PETITION I.A.NO.3972/05 ON
O.P.1050/05

EXT.P2 COPY OF THE ORDER DATED 29.3.06 OF
FAMILY COURT.

RESPONDENTS EXHIBITS : NIL

//True Copy//

P.A. to Judge

ss

**C.K. ABDUL REHIM &
K. RAMAKRISHNAN, JJ.**

W.P.(C.) No.20817of 2007

Dated this the 13th day of July, 2015

JUDGMENT

C.K. Abdul Rehim, J

The petitioner herein who is the petitioner before the Family Court, Ernakulam in O.P.No.1050/2005, is challenging Ext.P2 order in this writ petition filed under Article 227 of the Constitution of India.

2. Ext.P2 order was passed in an interlocutory application, I.A.No.3972/2005, in which the Family Court allowed the petition filed by the petitioner herein for conducting D.N.A. test of the child, subject to conditions incorporated therein, including the direction to bear Economy Class Air Ticket charges of the respondent, child and an attendant and also the expenses with respect to their stay at Hyderabad. This writ petition is filed on the basis that the conditions incorporated in Ext.P2 as item No.2 and 4 need to be set aside.

3. When the case came up for consideration on 06.07.2007, it was submitted on behalf of the appellant that, instead of paying the cost of Air Ticket he is ready to bear expenses for travelling by train. On that basis this court ordered notice to be served on the respondent by speed post, subject to condition of the appellant depositing ₹5,000/- as cost towards the expenses for conducting this writ petition. Even though the above said order was passed as early as in July, 2007, the petitioner has not complied with the directions and no deposit is seen made. Learned counsel for the petitioner submits that he has no instruction from the petitioner.

Under the above mentioned circumstances, the writ petition is dismissed for default.

Sd/-

C.K. Abdul Rehim, Judge

Sd/-

K. Ramakrishnan, Judge

//True Copy//

P.A. to Judge