

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937**

**WP(C).No. 19160 of 2015 (R)**  
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**PETITIONER :**  
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**MUNEER,  
S/O.M.C.MOIDEENKUTTY, AGED 31 YEARS  
MUNDEKKAD HOUSE, ANNARA SOUTH  
TIRUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL  
SMT.ANJALI G. KRISHNAN**

**RESPONDENTS :**  
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- 1. THE REGISTRAR (SUBORDINATE JUDICIARY),  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SHIRASTADAR,  
FAMILY COURT, MALAPPURAM-677 510.**
- 3. SHAHIDA,  
D/O.SAIDALAVI, AGED 24 YEARS  
CHEERAMKULANGARA HOUSE, THEYYALA P.O.  
VELLIYAMPURAM, TIRUR TALUK,  
MALAPPURAM DISTRICT-677 509.**

**R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 19160 of 2015 (R)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1        THE TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT OF  
THE PETITIONER DATED 02/03/2005.**
- EXT. P2        THE TRUE COPY OF THE ORDER IN O.P. NO.116/2013 OF THE FAMILY  
COURT, MALAPPURAM DATED 15.03.2013.**
- EXT. P3        THE TRUE COPY OF I.A. NO.1874/2013 IN O.P.NO.116/2013 OF THE  
FAMILY COURT, MALAPPURAM.**
- EXT. P4        THE TRUE COPY OF THE REPRESENTATION FILED BY THE  
PETITIONER BEFORE THE 1ST RESPONDENT DATED 02.03.2015.**
- EXT. P5        THE TRUE COPY OF THE POSTAL ACKNOWLEDGMENT DATED  
25.03.2015.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

K. VINOD CHANDRAN, J

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W.P(C) No. 19160 of 2015  
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Dated this the 05<sup>th</sup> day of August, 2015

J U D G M E N T

The petitioner was aggrieved with Ext.P2 order passed wherein it is stated that the order was passed in the presence of the petitioner and the respondent. The marriage between the petitioner and the respondent hence stood dissolved by a decree of divorce. The specific contention taken by the petitioner herein who was the respondent in Ext.P2 is that, he never appeared before Court nor he engaged counsel. The allegation is that a fraud was perpetrated on the court itself.

2. This Court had called for a report from the Family Court, Malappuram, which report dated 07.07.2015 by the officer who was the then incumbent in the Family Court, is placed on record. It is specifically stated that the petitioner who was the respondent therein was represented through a counsel, and it was only due to an oversight that the presence of the respondent was

noticed in Ext.P2. However, the petitioner would contend that he had not engaged a counsel also. In any event, the petitioner is also said to have filed an application for setting aside the ex-parte decree; which now stands transferred to the Family Court Tirur. The case is under consideration of the Family Court Tirur, and the petitioner definitely could also raise such allegation and the Family Court would look into the records and decide on the appropriate course of action.

Writ petition would stand disposed of. It is made clear that this Court has not found on the merits of the allegation raised by the petitioner; but the same is left to be considered by the Family Court.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge