IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

OP (FC).No.534 OF 2020

AGAINST THE ORDER DATED 11.12.2020 IN I.A NO.9 OF 2020 IN I.A. NOS.3 AND 5 OF 2020 IN OP 342/2016 OF FAMILY COURT, THALASSERY

PETITIONER:

REKHA K.P.,
AGED 39 YEARS
D/O.KUMARAN KUTTY, GALAXY APARTMENT, KACHERI, KOZHIKODE

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT:

SHAJU M.,
AGED 47 YEARS
S/O.LATE.CHANDRAN, 'RESAMISHY', KRISHNAN NAIR ROAD, VENGERI, KURUVISSERY P.O., KOZHIKODE 673 006

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 22.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. Vinod Chandran & T.R.Ravi, JJ.

O.P. (FC) No.534 of 2020

Dated, this the 22nd day of December, 2020

J U D G M E N T

Vinod Chandran, J.

The grievance of the petitioner is with respect to the order passed in Ext.P5 wherein the child has been directed to produce on 24.12.2020 for handing over to the respondent father. It is the case of the father that the child though earlier willing to go with the father is now resisting the same. We see that the learned Judge has directed the child to be produced before the Chief Ministerial Officer and also directed to give counseling by the Principal Councilor attached to the Courts. We are of the opinion that the learned Judge himself should carry out the interaction with the child and ascertain the willingness, after the Councilor speaks to the child. If the child is willing definitely he has to be send along with the father. The learned Judge would keep in mind that the child is produced from the custody of the mother who has ample influence on the child. In the nature of the orders passed we are of the opinion that no

notice need be issued to the respondent, since it does not in any manner prejudice the petitioner. It only ensures proper interaction to be conducted by the Family Court Judge itself to ascertain the mind of the child.

Original petition is disposed of.

Sd/-
K.VINOD CHANDRAN
JUDGE

Sd/-
T.R. RAVI
JUDGE

jma

PETITIONER'S EXHIBITS:

EXHIBIT P1	**:**	**TRUE COPY OF THE JUDGMENT IN O.P NO.342/2016 OF THE COURT OF THE JUDGE FAMILY COURT, THALASSERI DATED 06.10.2017**
EXHIBIT P2	**:**	**TRUE COPY OF THE COMMON ORDER IN I.A. NOS. 3/2020 AND I.A. NO.5/2020 IN O.P NO. 342/2016 OF THE COURT OF THE JUDGE FAMILY COURT, THALASSERI DATED 13.11.2020**
EXHIBIT P3	**:**	**TRUE COPY OF THE I.A. NO. 2/20 IN O.P 342/16 OF THE COURT OF THE JUDGE FAMILY COURT, THALASSERI DATED JULY 2020**
EXHIBIT P4	**:**	**TRUE COPY OF THE I.A. NO.7/2020 IN O.P NO. 342/2016 OF THE COURT OF THE JUDGE FAMILY COURT, THALASSERI DATED 12.09.2020**
EXHIBIT P5	**:**	**TRUE COPY OF THE ORDER DATED 11.12.2020 IN I.A NO. 9/2020 IN I.A NOS.3 AND 5 OF 2020 IN O.P NO.342/2016 OF THE COURT OF THE JUDGE FAMILY COURT THALASSERI.**