IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

WEDNESDAY, THE 24TH DAY OF JULY 2024 / 2ND SRAVANA, 1946

OP (FC) NO. 511 OF 2023

AGAINST THE JUDGMENT IN OPHMA NO.284 OF 2023 OF FAMILY COURT, THODUPUZHA

PETITIONER/RESPONDENT:

REMYA CHANDRAN.P.C
AGED 34 YEARS
D/O.CHANDRAN.PK, PANAMKUTTITHARA, KUREEKKAD.PO,
KANAYANNUR TALUK, ERNAKULAM DISTRICT, PIN - 682305

BY ADVS.
LEKSHMI S.SEKHER
S.SUNIL KUMAR (PALAKKAD)
FEMY M.ANTONY
K.J.SUNIL

RESPONDENT/PETITIONER:

SUNEESH SUKUMARAN
AGED 39 YEARS
S/O.SUKUMARAN, KIZHAKKENAKATHU HOUSE, VAZHITHALA KARA,
PURAPUZHA VILLAGE, THODUPUZHA TALUK, THODUPUZHA, PIN - 685583

BY ADVS.
K.MOHAMMED FAISAL NAHA
P.JAYAKUMAR(K/395/2000)
P.A.PETER(K/001052/2013)

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEAARD ON 24.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner alleges that, on account of Rule 4A(2), read with Rule 4A(5) of the Family Courts (Kerala) Rules, 1989, he is being denied a copy of the Original Petition filed by the respondent, though the parties are now attempting mediation.

2. Sri.S.Sunil Kumar – learned Counsel for the petitioner thus prayed that the afore Rules be declared illegal; and the respondent be directed to serve his client a copy of the Original Petition, namely OP(HM)No.284/2023, within a time frame to be fixed by this Court.

3. Sri.K.Mohammed Faizal Naha – learned counsel for the respondent, however, submitted that this writ petition is unnecessary because, his client has already given a copy of the

Original Petition to the petitioner and that he is willing to offer one more, if it is so necessary. He added that the matter has, in fact, been transferred from the learned Family Court, Thodupuzha, to the learned Family Court, Ernakulam, and that the parties are now mediating and talking settlement.

4. Taking note of the afore and since it is unnecessary for this Court to enter into the controversy at this stage, including on the question of validity of the Rules – which in any event, this Bench may not be able to consider on its merits – we deem it appropriate to order this Original Petition, recording the afore submissions of Sri.K.Mohammed Faizal Naha.

Resultantly, this Original Petition is ordered, recording that the respondent will serve a copy of the O.P.No.284/2023 - earlier

pending before the learned Family Court and which is renumbered as O.P.No.2431/2023, now pending before the learned Family Court, Ernakulam - within a period of one week from the date of receipt of a copy of this judgment.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

M.B. SNEHALATHA

JUDGE

SAS

APPENDIX OF OP (FC) 511/2023

PETITIONER'S EXHIBITS:

Exhibit P1	TRUE COPY OF THE SUMMONS ISSUED TO PETITIONER IN OP(HM) NO-284/2023 OF HONBLE FAMILY COURT THODUPUZHA
Exhibit P2	TRUE COPY OF THE OUT PATIENT RECEIPT ISSUED FROM THE TALUK HEADQUARTERS HOSPITAL THRIPUNITHURA DATED 20.06.2023
Exhibit P2(a)	TRUE COPY OF THE LAB REPORTS ISSUED FROM THE LAB INDIA DIAGNOSTIC CENTRE, THRIPUNITHURA DATED 26.07.2023
Exhibit P3	TRUE COPY OF THE COPY APPLICATION FILED BY THE PETITIONER IN OP(HM) NO-284/2023 OF HONBLE FAMILY COURT THODUPUZHA DATED 02.08.2023
Exhibit P3(a)	TRUE COPY OF THE URGENT APPLICATION FILED BY THE PETITIONER IN OP(HM) NO-284/2023 OF HONBLE FAMILY COURT THODUPUZHA DATED 02.08.2023
Exhibit P4	TRUE COPY OF THE RECEIPT FOR COPY APPLICATION NO-527/2023 IN OP(HM) NO-284/2023 OF HONBLE FAMILY COURT THODUPUZHA DATED 05.08.2023