



2025:KER:26254

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

WEDNESDAY, THE 26TH DAY OF MARCH 2025 / 5TH CHAITHRA, 1947

OP (FC) NO. 170 OF 2025

AGAINST THE ORDER/JUDGMENT DATED IN IA.NO.3 OF 2025 IN OP
NO.1887 OF 2024 OF FAMILY COURT,KOZHIKODE

PETITIONERS/RESPONDENTS NO 2 & 3:

- 1 RAJASREE
AGED 58 YEARS
W/O GOPALAKRISHNAN RESIDING AT SOUPARNIKA , EDAKAD POST
P.O, PUTHIYANGADI VILLAGE, KOZHIKODE, PIN - 673005
- 2 GOPALAKRISHNAN
AGED 68 YEARS
S/O K.G.K KURUP RESIDING AT SOUPARNIKA , EDAKAD POST
P.O, PUTHIYANGADI VILLAGE, KOZHIKODE, PIN - 673005

BY ADVS.
K.B.SURESH
SHIFA S.
GOUTHAM SREEKUMAR
RANJAN SURESH
BINDU SREEKUMAR

RESPONDENT/DEFENDANT:

SREELAKSHMI E
D/O SHAJI, RESIDING AT SRISOUDHAM, MAKKADA P.O, KAKKODY
VILLAGE, KOZHIKODE, PIN-67361 1. PRESENTLY RESIDING AT
DEVATHEERTHAM HOUSE, EDAKAD P.O, PUTHIYANGADI VILLAGE,



KOZHIKODE, PIN - 673000

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON
26.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****Devan Ramachandran, J.**

The petitioners have filed this Original Petition seeking that this Court set aside an order passed by the learned family Court, Kozhikode, in I.A.No.03/2025 in O.P.No.1887/2024. Pertinently, the petitioners have chosen not to produce the order which is challenged on record; but they say that this is because they have not obtained a copy of the same until now.

2. Even though this petition, challenging an order of the learned Family Court is not maintainable without the said order being on record, we called for a report from the learned Family Court as to the above submissions of Sri.K.B.Suresh – learned Counsel for the petitioners.

3. The learned Family Court has now given us a report, saying that no one has applied for a copy of the order and that as soon as it is done, the certified copy will be issued.

4. Sri.K.B.Suresh – learned counsel for the petitioners, however, argued that his clients are entitled to a free copy from the learned Family Court and that they do not have to apply for a certified copy.



5. We do not propose to enter into the merits of the afore assertion, because, it is *ex facie* clear from the prayers in this Original Petition that the petitioners do not seek any direction against the learned Family Court qua the allegation that they have not been issued with a certified copy of the order in question.

6. To reiterate and as we have said above, this Court is incapable of considering the merits of an order which has not been produced.

7. Obviously, the petitioners will have to invoke other remedies at the relevant time.

This Original Petition is, consequently, dismissed.

**Sd/-
DEVAN RAMACHANDRAN,
JUDGE**

**Sd/-
M.B.SNEHALATHA,
JUDGE**



APPENDIX OF OP (FC) 170/2025

PETITIONERS EXHIBITS

- | | |
|-------------------|--|
| Exhibit P1 | A TRUE COPY OF THE NOTICE DATED 2.12.24
ISSUED BY THE KERALA BANK , WEST HILL
KOZHIKODE |
| Exhibit P2 | A TRUE AFORESAID SALE AGREEMENT DATED 4.1.25
EXECUTED BETWEEN THE PETITIONERS 1 AND 2 AND
THE PURCHASER |
| Exhibit P3 | TRUE COPY OF THE ATTACHMENT NOTICE DATED
15.2.25 ISSUED BY THE FAMILY COURT KOZHIKODE |