IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP (FC) NO. 231 OF 2025

AGAINST THE ORDER/JUDGMENT DATED IN OP NO.374 OF 2018 OF FAMILY COURT, CHAVARA

PETITIONER/PETITIONER:

SAIJU SEBASTIAN
AGED 46 YEARS
S/O SEBASTIAN, BABU NIVAS , PADINJAREVEETIL, TR CROSS ROAD, THOPPUMPADY ,KOCHI , ERNAKULAM, PIN - 682005

BY ADVS.
P.MOHAMED SABAH
SAIPOOJA
BENSON AMBROSE

RESPONDENT/RESPONDENT:

LINI S
AGED 39 YEARS
D/O. NIRMALA, LINI BHAVAN, RAJAGIRI, SASTHAMCOTTA VILLAGE, KUNNATHUR TALUK, KOLLAM, PIN - 690521

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.

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OP(FC).No.231 of 2025

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Dated this the 10th day of April, 2025

JUDGMENT

Devan Ramachandran, J.

The petitioner singularly pleads that Ext.P1 application preferred by him be directed to be disposed of by the learned Family Court, Chavara, within a time frame to be fixed by this Court.

2. We notice from Ext.P1 that what the petitioner has sought is that he be given interim custody of his child from April to May, 2025.

3. Sri.Mohamed Sabah – learned counsel for the petitioner, submitted that, even though the major share of the time frame mentioned in Ext.P1 has already elapsed, her client still wants the said application to be considered because, he will be in India only till May.

4. Taking note of the afore submissions and since the application in question seeks interim custody of the child for a specified period, we are certain that the learned Family Court should consider it without delay, as per law.

In the afore circumstances, clarifying that our directions herein will not be construed as a precedent, but issued only in the peculiar circumstances noticed, we direct the learned Family Court, Chavara, to take up Ext.P1 application – if it is still pending – and dispose of the same, after affording necessary opportunity to both sides, as expeditiously as is possible, but not later than one week from today.

Sd/-
DEVAN RAMACHANDRAN,
JUDGE

Sd/-
M.B.SNEHALATHA,
JUDGE

Mms

APPENDIX OF OP (FC) 231/2025

PETITIONER'S EXHIBITS

Exhibit P1	**THE COPY OF THE SAID I.A. 19 /2025 IN OP (G & W) 374 OF 2018 ON THE FILE OF FAMILY COURT, CHAVARA**
Exhibit P2	**THE TRUE COPY OF THE CAUSE LIST DATED 04.04.2025 OF THE FAMILY COURT CHAVARA IN THE CAMP SITTING AT SANSTHAMCOTTA FAMILY COURT**
Exhibit P3	**THE TRUE COPY OF THE PORTION OF THE A-DIARY PROCEEDINGS ON THE DATE OF 04.04.2025 OF GOP NO.374/2018**
Exhibit P4	**THE TRUE COPY OF THE ADVANCE PETITION DATED 07.04.2025**
Exhibit P5	**THE TRUE COPY OF THE ORDER DATED 12.12.2024 PASSED IN CRL.M.P NO. 594/2018 IN M.C NO. 265/2018**
Exhibit P6	**THE TRUE COPY OF THE MEMO EVIDENCING THE PAYMENT OF THE MAINTENANCE AMOUNT THE MONTH OF APRIL 2025**
Exhibit P7	**THE TRUE COPY OF THE DOCUMENT ISSUED BY EINT AUTOMOTIVE LLC APPROVING LEAVE FROM 06.04.2025 TO 06/05/ 2025**