

**Moorthy Vs. Anitha S. Raj**

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**SooperKanoon Citation :** [sooperkanoon.com/1012416](http://sooperkanoon.com/1012416)

**Court :** Kerala

**Decided On :** Dec-31-2012

**Judge :** Honourable Mr.Justice Pius C.Kuriakose

**Appellant :** Moorthy

**Respondent :** Anitha S. Raj

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE PIUS C.KURIAKOSE & THE HON'BLE MR. JUSTICE BABU MATHEW P.JOSEPH MONDAY, THE 31ST DAY OF DECEMBER 2012 10TH POUSHA 193 OP (FC).No. 4503 of 2012 (R) ----- OP(HMA) NO.616/2011 OF FAMILY COURT, KOLLAM PETITIONER(S): ----- MOORTHY, AGED 2 YEARS S/O. RA. RANGANATHA REDDIAR, SAVITHRI NIVAS BABUJI NAGAR-83, ASHRAMAM WEST .P.O. KOLLAM DISTRICT. BY ADVS.SRI.ALAN PAPALI SMT.O.V.BINDU SRI.J.VIMAL RESPONDENT(S): ----- ANITHA S. RAJ D/O. SUGUNAPATHY JEEVARATNA VRINDAVAN GARDEDNS THIRUMULLAVARAM.P.O. KOLLAM WEST-PIN-691001. THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31-12-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BKA OP (FC).No. 4503 of 2012 (R) APPENDIX PETITIONER'(S) EXHIBITS: EXT.P1 COPY OF THE PETITION FILED BY THE PETITIONER AGAINST THE RESPONDENT FOR DIVORCE UNDER THE HINDU MARRIAGE ACT AS OP (HMA) NO.616/2011 ON THE FILE

OF THE FAMILY COURT, KOLLAM, DATED 24 05.2011. RESPONDENT'(S)  
EXHIBITS: NIL //TRUE COPY// PA TO JUDGE BKA PIUS C. KURIAKOSE &  
BABU MATHEW P. JOSEPH, JJ.

----- OP (FC) No. 4503 of 2012  
----- Dated this the 31st day of December, 2012

## JUDGMENT

**Pius C. Kuriakose, J.**

On considering the above original petition, wherein the petitioner, who is the husband of the respondent, seeks a direction to the Family Court, Kollam, to dispose of OP (HMA) No.616/2011 early, we directed the Registrar (Judicial) to contact the Family Court immediately and to submit a report. Accordingly, the Registrar (Judicial) has submitted the following report; "As directed, contacted the Family Court, Kollam. The learned Judge informed that OP(HMA) 616/2011 for divorce filed by husband is connected with OP 171/2012 filed by the wife for gold and money and at the instance of the parties, they are referred to mediation. The cases stand posted to 28.01.2013 for mediation report. If mediation succeeds, the cases can be disposed of as soon as the report is received. If mediation fails, pre-trial steps have to be taken in both the cases and joint trial conducted. According to the learned Judge, a period of 6 months from 23.01.2013 would be required for disposal of the two cases, in case of failure of mediation." OP (FC) No. 4503 of 2012 ..2.. Considering the above report, we dispose of this original petition directing the learned Presiding Officer of the Family Court to dispose of OP(HMA) No.616/2011 as well as OP No.171/2012, if the mediation presently attempted becomes unsuccessful, within four months of failure report being submitted by the mediator concerned. Sd/- PIUS C. KURIAKOSE, JUDGE. Sd/- BABU MATHEW P. JOSEPH, JUDGE. bka/-

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