

Akhila Vs. Vinod

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SooperKanoon Citation : sooperkanoon.com/1012820

Court : Kerala

Decided On : Feb-01-2013

Judge : Honourable Mr.Justice Pius C.Kuriakose

Appellant : Akhila

Respondent : Vinod

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE PIUS C.KURIAKOSE & THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM FRIDAY, THE 1ST DAY OF FEBRUARY 2013 12TH MAGHA 193 OP (FC).No. 401 of 2013 (R) ----- AGAINST THE ORDER/JUDGMENT IN OP.205/2011 of FAMILY COURT, KOTTARAKKARA PETITIONER(S)/PETITIONER: ----- AKHILA AGED 2 YEARS D/O.PUSHPARAJAN,THADATHIL VEEDU,PERAYAM MURI MULAVANA VILLAGE,KOLLAM TALUK,KOLLAM DIST BY ADVS.SRI.K.V.ANIL KUMAR SRI.AJITH MURALI RESPONDENT(S):/RESPONDENTS ----- 1. VINOD S/O.V.P.KAMALAN,VELUTHERITHARAYIL VEEDU PULLIKKANAKKU MURI,PULLIKKANAKKU P.O,KAYAMKULAM ALAPPUZHA DIST-690502 2. V P KAMALAN VELUTHERITHARAYIL VEEDU,PULLIKKANAKKU MURI PULLIKKANAKKU P.O,KAYAMKULAM,ALAPPUZHA DIST THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 01-02- 2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: O.P(FC) NO.401/2013 EXT.P1: COPY OF O.P. 205/2011 ON THE FILE OF THE FAMILY COURT,

KOTTARAKARA. RESPONDENT'S EXHIBITS: NIL /TRUE COPY/ P. A TO JUDGE. PIUS C.KURIAKOSE & C.K.ABDUL REHIM JJ.

----- O.P.(FC) . NO. 401 OF 201.----- Dated this the 1st day of February, 2013 JUDGMENT Pius C.Kuriakose,J On considering this original petition wherein the petitioner seeks a direction to the Family Court, Kottarakkara, where she claims to have filed O.P.No.205/2011, to dispose of that original petition early, we directed the Registrar (Judicial) to contact the presiding officer of the Family Court, Kottarakara and get a report as to when the above case can be disposed of at the earliest. The Family Court would inform the Registrar that O.P.No.205/2011 is not pending before that court. The Registrar contacted Kollam Family Court and it was revealed that the petitioner's case O.P.No.205/2011 is pending before that court. On the basis of the Registrar's conversation with the presiding officer of the Family Court, Kollam, the following report is submitted on 31/1/2013. "As directed, contacted the judge, Family O.P.(FC) No.401 /2013 2 Court, Kottarakkara. The Sheristadar informed after verification that no such case is pending before that Court. The Family Court, Kollam was contacted thereafter. The learned judge informed that O.P.205/2011 filed by Akhila is pending before that Court along with O.P.217/2011 for return of gold and money. In O.P.205/2011, the 1st respondent is alleged to be incapable of defending himself in view of mental disease and therefore he is sought to be represented by his father. Mediation held was not successful. O.P. is posted to 07/02/2013 for objection. A decision on the question whether the 1st respondent is having any mental disease and therefore incapable of defending himself is to be taken and only thereafter the case can be tried. Learned Judge therefore sought a minimum period of six months for the disposal of the case." The presiding officer of the Family Court, Kollam is directed to dispose of O.P.No.205/2011 and connected O.P.No.217/2011 O.P.(FC) No.401 /2013 3 in accordance with law at the earliest and at any rate within six months from today. Sd/- PIUS C.KURIAKOSE, JUDGE Sd/- C.K.ABDUL REHIM JUDGE. dpk O.P.(FC) No.401 /2013 4