

Stanly Hedger Vs. Florence

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Court : Kerala

Decided On : Jan-28-2013

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Stanly Hedger

Respondent : Florence

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE THE CHIEF JUSTICE MRS. MANJULA CHELLUR & THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN MONDAY, THE 28TH DAY OF JANUARY 2013 8TH MAGHA 193 Con.Case(C).No. 1414 of 2012 (S) IN Mat.Appeal.764/2010 ----- AGAINST THE ORDER IN Mat.Appeal.764/2010 of HIGH COURT OF KERALA DATED PETITIONER(S)/APPELLANT IN THE MAT APPEAL: ----- STANLY HEDGER AGED 3 YEARS S/O.JOSEPH,MAGLIN NIVAS,VADAYAR PURAYIDOM KOTTAPPURAM,VIZHINJAM,THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.D.KISHORE RESPONDENT(S)/RESPONDENT IN THE MAT APPEAL: ----- FLORENCE AGED 3 YEARS,D/O.GEORGE,FLORENCE HOUSE GODAVARMA ROAD,VIZHINJAM THIRUVANANTHAPURAM DISTRICT - 695001. R BY ADV. SRI.M.SREEKUMAR THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 28-01-2013, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING: Con.Case(C).No. 1414 of 2012 (S) APPENDIX PETITIONER'S ANNEXURES: ANNEXURE I : TRUE COPY OF THE ORDER DT. 24.9.2010 IN I.A. 414/2010 IN MAT.APPEAL 764 2010 OF THIS HON'BLE COURT ANNEXURE II : TRUE COPY OF THE ORDER DT. 29.11.2010 IN I.A. 2414/2010 IN MAT.APPEAL 764 2010 OF THIS HON'BLE COURT ANNEXURE III : TRUE COPY OF THE MARRIAGE CERTIFICATE DT 6.9.2012 ISSUED BY THE PARISH PRIEST RESPONDENTS' ANNEXURES: NIL //TRUE COPY// P.A. TO JUDGE jma Manjula Chellur, C.J.

& K.Vinod Chandran, J.

----- Cont.Case(Civil)No.1414 of 2012
----- Dated this, the 28th day of January, 2013

JUDGMENT

Manjula Chellur,C.J.: Heard learned counsel. We have gone through the contents of the contempt proceedings. It is not in dispute that the parties herein appeared before the Family Court, Thiruvananthapuram, wherein the respondent wife sought for a divorce which came to be allowed. Challenging the same, Mat.Appeal No.764 of 2010 was filed, wherein a stay was granted, staying the operation of the judgment of the Family Court for a period of two months from 24.9.2010. It is also not in dispute that subsequent to this interim order of stay, the main appeal was heard and dismissed confirming the judgment of the Family Court, on 31.10.2012.

2. The complaint of the petitioner herein is, during the pendency of interim stay for two months, the respondent contracted another marriage, therefore, she has wilfully disobeyed the direction of this Court. As a matter of fact, interim order dated 24.9.2010 reads as under:- Cont.Case(C)No.1414 of 2012 :2: "Heard. There will be an interim stay as prayed for, for a period of two months from this date." As a matter of fact, there was no prayer seeking a direction against the respondent wife not to enter contract for another marriage during the pendency of the appeal. Except judgment of the Family Court being stayed, no other direction was granted in the appeal. In the absence of any such specific direction not to contract another marriage, we are of the opinion, there is no disobedience of any direction, much less wilful disobedience. Under these circumstances, contempt proceedings are

dropped. Sd/- Manjula Chellur, Chief Justice Sd/- K.Vinod Chandran, Judge. //true
copy// P.A to Judge jma/28.1

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