SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Jayadevan Vs. Soumya

Jayadevan Vs. Soumya

SooperKanoon Citation : sooperkanoon.com/1098812

Court : Kerala

Decided On : Nov-11-2013

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Jayadevan

Respondent : Soumya

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ANTONY DOMINIC & THE HONOURABLE MR. JUSTICE P.D.RAJAN MONDAY,THE11H DAY OF NOVEMBER201320TH KARTHIKA, 1935 OP (FC).No. 3726 of 2013 (R) ---------- AGAINST THE

ORDER
IN I.A.NO.2294/2012 IN OP9752010 of FAMILY COURT,KOLLAM DATED612-2012 PETITIONER(S)/PETITIONER:-: ---------- 1. JAYADEVAN, S/O.PARAMU, 'JENI VILASOM', KARIMBALOOR KONATHUCHERRY PARIPPALLY VILLAGE, PUTHENKULAM P.O., KOLLAM.

2. SUBHADRA, D/O.GOURI, PUTHUVALVILA VEEDU, ELAMKULAM KOTTKERAMCHERRY, PARIPPALLY VILLAGE, PUTHENKULAM P.O. KOLLAM. BY ADVS.SRI.V.M.SYAM KUMAR SMT.KRIPA ELIZABETH MATHEWS SRI.V.N.HARIDAS RESPONDENT(S)/RESPONDENTS:-:

---------- 1. SOUMYA, D/O.RAMANI, SHYJU NIVAS, SEEMATTI KARAMCODE P.O., MEENADU VILLAGE, KOLLAM PIN - 691 579.

2. SUMA RAJU, S/O.JANARDHANAN ACHARI, VALIYAVILA PUTHEN VEEDU EZHIPURAMCHERRY, PARIPPALLY VILLAGE, PARIPPALLLY P.O. KOLLAM, PIN - 691 574.

3. SANTHAKUMARI, W/O.JANARDHANAN ACHARI, VALIYAVILA PUTHEN VEEDU EZHIPURAMCHERRY, PARIPPALLY VILLAGE, PARIPPALLLY P.O. KOLLAM, PIN - 691 574. THIS OP (FAMILYCOURT) HAVING COME UP FOR ADMISSION ON1111-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP (FC).No. 3726 of 2013 (R) ---------- APPENDIX PETITIONER(S)' EXHIBITS ---------- EXHIBIT P1. COPY OF THE CLAIM PETITION IA.NO.2009 OF 2012 FIELD BY THE PETITIONERS BEFORE THE FAMILYCOURT, KOLLAM. EXHIBIT P2. COPY OF THE OBJECTION FIELD BY THE1T RESPONDENT IN IA.NO.2009 OF 2012 DATED0211.2012. EXHIBIT P3. COPY OF THE

ORDER
DATED0612.2012 IN IA NO.2294 OF 2012 IN OP9752010 DATED0612.2012. RESPONDENT(S)' EXHIBITS ----------: NIL. TRUE COPY PA TO JUDGE. acd ANTONY DOMINIC & P.D. RAJAN, JJ.

---------- O.P.(FC)No.3726 of 2013 ---------- Dated this the 11th day of November, 2013

JUDGMENT
ANTONY DOMINIC,J.

The prayer sought for in the O.P. is to direct the Family Court, Kollam to expedite the disposal of I.A.No.2009/2012 in O.P.No.975/2010. On the filing of the O.P., this Court passed order dated 28.10.2013 calling for a report from the Family court, Kollam. Accordingly, report dated 4.11.2013 has been received, which reads thus: "IA20092012 was filed in OP9752010 on 14/09/2012 by one Jayadevan and

Subhadra under O-XXI R-58 and O-XXXVII R-8 CPC read with R-324 of Civil Rules of Practice in respect of A B schedule properties which were attached before Judgment on 27/08/10 as per order on IA25312010.

2. On IA20092012 notice was given to the respondents, who are the petitioner and respondents in OP9752010, for which petitioner alone filed objection on 06/11/12. Though 2nd respondent prayed for objection, no objection filed and petition is pending for evidence from 14/08/13. Though advance petitions filed twice, it appears that the petitioner never appeared before court and no evidence adduced so far. On 13/09/2013, the last posting date also petitioner prayed for time, though 1st respondent was present thereby the petitioner is posted for evidence on 05/11/2013 with an order of 'NFT'. Since old cases are pending trial, if the parties get ready for evidence the IA can be disposed within three months from 05/11/2013." O.P.(FC)No.3726/13 2 2. Reading of the above report itself would show that it was mainly on account of the fact that the petitioners themselves sought repeated adjournments and that the Family Court could not have passed orders in the I.A. so far. Therefore, there is no positive order as sought for in the O.P. is awarded. Be that as it may, it is for the petitioners to co-operate with the Family Court and in which case, it is for the Family Court to pass orders in the I.A. The O.P.(FC) is disposed of as above. ANTONY DOMINIC, JUDGE P.D. RAJAN, JUDGE. acd O.P.(FC)No.3726/13 3 O.P.(FC)No.3726/13 4

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com