

Soumya Vs. Jijo

Soumya Vs. Jijo

SooperKanoon Citation : sooperkanoon.com/1101042

Court : Kerala

Decided On : Nov-26-2013

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Soumya

Respondent : Jijo

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ANTONY DOMINIC & THE HONOURABLE MR. JUSTICE P.D.RAJAN TUESDAY,THE26H DAY OF NOVEMBER20135TH AGRAHAYANA, 1935 WP(Crl.).No. 537 of 2013 (S) ----- PETITIONER(S): ----- SOUMYA JIJO, AGED29YEARS, D/O. GEORGE, VELLAPURAKKAL HOUSE, ERUMAMUNDA PO, CHUNKATHARA, NILAMBUR TALUK, MALAPPURAM, PIN - 679 334. BY ADVS.SRI.P.SAMSUDIN SMT.NIMA JACOB RESPONDENT(S): ----- 1. JIJO, AGED40YEARS, S/O. LONAPPAN, THOMMANA HOUSE, KOTTANALLOOR P.O.680 632. IRINJALAKKUDA, THRISSUR DISTRICT.

2. THE SUPERINTENDENT OF POLICE, THRISSUR - 680 001.

3. THE CIRCLE INSPECTOR OF POLICE, IRINJALAKKUDA-680 632.

4. THE SUB INSPECTOR OF POLICE, IRINJALAKKUDA- 680 632. R BY SRI. TOM JOSE PADINJAREKKARA -ADDL.DIRECTOR GENERAL OF

PROSECUTION THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 26.11.2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: acd W.P.(CRL)NO.537/2013 APPENDIX PETITIONER'S EXHIBITS EXT.P1: COPIES OF RECEIPTS FOR PAYMENT OF SCHOOL FEE OF THE ELDER CHILD OF THE PETITIONER. EXT.P2: COPIES OF THE RECEIPTS FOR PAYMENT OF SCHOOL FEE OF THE 2D AND 3D CHILDREN OF THE PETITIONER. EXT.P3: COPY OF THE MERIT CERTIFICATE ISSUED TO THE ELDER CHILD OF THE PETITIONER. EXT.P4: COPY OF THE TREATMENT RECORDS RELATING TO THE 2D CHILD OF THE PETITIONER. EXT.P5: COPY OF THE PETITION DATED 23.10.2013 SUBMITTED BY THE PETITIONER BEFORE THE 2D RESPONDENT. EXT.P6: COPY OF THE MEMORANDUM IN OP (G&W) 1042/2013 DATED 4.11.2013 ON THE FILES OF THE FAMILY COURT MALAPPURAM. EXT.P7: COPY OF THE

ORDER

DATED 11.11.2013 OF THE FAMILY COURT MALAPPURAM IN IA 2174/2013 IN OP (G&W) 1042/2013. RESPONDENTS' EXHIBITS: NIL. True copy PA to Judge. acd ANTONY DOMINIC & P.D. RAJAN, JJ.

----- W.P.(Crl)No.537 of 2013
----- Dated this the 26th day of November, 2013

JUDGMENT

ANTONY DOMINIC, J.

The petitioner and the 1st respondent are wife and husband. They have three children in their marital life. It is stated that, after the separation of the couple, leaving the children in the care and custody of the petitioner's parents, she left to Sharjah for an employment. While so, on 2.10.2013, the 1st respondent took the children from the care and custody of her parents by force. She thereupon filed O.P.(G&W)No.1042/2013 before the Family Court, Malappuram. In that O.P., an order was passed for the production of the children before the Family Court on 11.11.2013. She says that this order was not complied with by the 1st respondent and that thereupon the Family Court passed Ext.P7 order directing the production

of the children on 13.11.2013. That also was not complied with by the 1st respondent. Therefore, contending that the custody of the W.P.(CrI)No.537/13 2 children with the 1st respondent amounts to an illegal detention, she has filed this writ petition seeking production of the children before this Court and to set them at liberty.

2. Evidently therefore, the case of the petitioner is one of non-compliance of the order passed by the Family Court, Malappuram requiring the 1st respondent to produce the children. In our view, if that is the grievance, the remedy available to the aggrieved person is to approach the Family Court itself requesting to take appropriate action for enforcing its own order. Therefore, with that liberty, we close this writ petition. ANTONY DOMINIC, JUDGE P.D. RAJAN, JUDGE. acd W.P.(CrI)No.537/13 3 W.P.(CrI)No.537/13 4

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