

Baby Vs. Jemy

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Court : Kerala

Decided On : Jan-01-2014

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Baby

Respondent : Jemy

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ANTONY DOMINIC & THE HONOURABLE MR. JUSTICE P.D.RAJAN WEDNESDAY, THE 11TH DAY OF JANUARY 2014 11TH POUSHA, 1935 OP (FC).No. 4596 of 2013 (R) ----- AGAINST THE

ORDER

IN I.A.NO.2203/2013 IN OP9022013 of FAMILY COURT, IRINJALAKUDA DATED 13/12/2013 PETITIONER(S): ----- BABY AGED 62 YEARS S/O.KALATHINGAL SEBASTIAN, KANAKAMALA DESOM KODAKARA VILLAGE, MUKUNDAPURAM TALUK THRISSUR DISTRICT BY ADV. SRI.G.SREEKUMAR (CHELUR) RESPONDENT(S): ----- JEMY, AGED 24 YEARS STAFF NURSE, D/O.JOHNY, ERMAKATPARAMBIL HOUSE IRINJALAKUDA DESOM, MANAVALASSERY VILLAGE MUKUNDAPURAM TALUK, THRISSUR DISTRICT 680121 THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 01/01-2014, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: acd OP (FC).No. 4596 of 2013 (R)
----- APPENDIX PETITIONER(S)' EXHIBITS
----- EXHIBIT P1 A TRUE COPY OF THE OP NO 1365
OF 2012 BEFORE THE FAMILY COURT, IRINJALAKUDA DATED 10/10/2012
EXHIBIT P2 A TRUE COPY OF THE MC N O 110 OF 2013 DATED 21/5/2013 ON
THE FILE OF THE FAMILY COURT, IRINJALAKUDA EXHIBIT P3 A TRUE
COPY OF THE OP NO 902 OF 2013 DATED 11/12/2013 EXHIBIT P4 A TRUE
COPY OF IA NO 2203 OF 2013 IN OP NO 902 OF 2013 DATED 11/12/2013 ON THE
FILE OF THE FAMILY COURT, IRINJALAKUDA EXHIBIT P5 A TRUE COPY OF IA
NO 2256 OF 2013 IN EXT P5 DATED 12/12/2013 ON THE FILE OF THE FAMILY
COURT, IRINJALAKUDA EXHIBIT P6 A TRUE COPY OF THE ORDER PASSED
IN IA NO 2203 OF 2013 IN OP NO 902 OF 2013 DATED 13/12/2013 ON THE FILE
OF THE FAMILY COURT, IRINJALAKUDA RESPONDENT(S)' EXHIBITS
-----: NIL. True Copy PA to Judge. acd ANTONY
DOMINIC & P.D. RAJAN, JJ.

----- O.P.(FC) No. 4596 of 2013
----- Dated this the 1st day of January, 2014

JUDGMENT

ANTONY DOMINIC, J.

Heard the learned counsel for the petitioner.

2. The grievance of the petitioner in this O.P.(FC) is against Ext.P6 order passed by the Family Court, Irinjalakuda in I.A.No.2203/2013 in O.P.No.902/2013.

3. Briefly stated, the case is that Ext.P3 O.P. was filed by the respondent herein claiming damages of Rs.26 lakhs from the petitioner. In that O.P., the respondent filed I.A. No.2203/2013 for attachment over the properties scheduled to the said I.A. A copy of the I.A. is Ext.P4. On Ext.P4, the Family Court passed Ext.P6 order calling upon the petitioner to furnish security to the extent of Rs.10 lakhs by 1.1.2014 and prohibiting him from transferring or charging the properties prescribed in the schedule to Ext.P4. Thereupon the petitioner filed Ext.P5, I.A.No.2256/2013 requesting to restrict the attachment in the O.P.(FC)No.4596/13

2 order, in the manner as prayed for therein.

4. In this O.P.(FC), what the petitioner seeks is that he having not furnished the security as called upon in Ext.P6, the Court should be directed to pass consequential order as contemplated in Order XXXVIII Rule 6 of the C.P.C. in a time bound manner.

5. Admittedly, the petitioner did not furnish security as called upon in Ext.P6. This necessarily requires the Court to pass order under Order XXXVIII Rule 6 of the C.P.C.

6. Therefore, we dispose of this O.P.(FC) directing that the Family Court, Irinjalakuda shall proceed to pass order as indicated above duly advertizing to Ext.P5, I.A.No.2256/2013 also. This shall be done as expeditiously as possible, at any rate, within three weeks on production of a copy of this judgment.

7. It is made clear that this Court has not expressed anything on merits and it is entirely for the Family Court to pass orders in accordance with law. O.P.(FC)No.4596/13 3 The petitioner will produce a copy of this judgment before the Family Court, Irinjalakuda for information and compliance. ANTONY DOMINIC, JUDGE P.D. RAJAN, JUDGE. acd O.P.(FC)No.4596/13 4 O.P.(FC)No.4596/13 5

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