

Maneesh K.R Vs. Jayarajan

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Court : Kerala

Decided On : Jun-16-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Maneesh K.R

Respondent : Jayarajan

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN & THE HONOURABLE MR. JUSTICE A.HARIPRASAD MONDAY, THE16H DAY OF JUNE201426TH JYAISHTA, 1936 MFA(G&W).No. 39 of 2014 () ----- AGAINST THE

JUDGMENT

IN OP10242011 of FAMILYCOURT, PALAKKAD APPELLANT(S)/RESPONDENT: ----- MANEESHA K.R D/O.A.R.CHANDRAN, AGED39YEARS, MELSM, KOLLATHARAKALAM POLPULLY, PALAKKAD TALUK AND DISTRICT. BY ADV. SRI.RAJESH SIVARAMANKUTTY RESPONDENT(S)/PETITIONER: ----- JAYARAJAN V. S/O.VELAYUDHAN, AGED39YEARS, MALAMPATHYKALAM, KANAKKANPARA KUTTIPPALLAM P.O., CHITTUR TALUK PALAKKAD DISTRICT-678 101. BY ADV. SRI.K.V.SOHAN (FOR CAVEATOR) THIS MISC. FIRST APPEAL HAVING BEEN FINALLYHEARD ON1606-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: V.K.MOHANAN & A.HARIPRASAD, JJ.

Dated this the 16th day of June, 2014.

JUDGMENT

A.Hariprasad, J.

Respondent in O.P.No.1024 of 2011 of the Family Court, Palakkad has filed this appeal challenging the judgment dated 25.02.2014 passed by the court below. The prayer in the appeal reads as follows: "For these and other grounds to be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to set aside the judgment dated 25-2-2014 passed in O.P.No.1024/2011 by the Family Court, Palakkad by allowing the above Appeal."

2. We heard the learned counsel for the appellant and the respondent and passed the following order on 29.05.2014: "(i) The operation of Clause (b) and (c) of the impugned order is stayed, until further orders. (ii) Clause (a) is modified and the respondent in this petition, ie., in I.A.No.1323 of 2014, who is the father, is allowed to see and interact with the children on all 2nd Saturdays between 10 a.m. and 4 p.m. at the MFA (G&W) No.39/2014 2 office of the petitioner's counsel at Palakkad. He is free to take his children outside the office of the counsel and have company with them. (iii) For the above purpose, the petitioner in this petition, who is the mother, shall hand over the custody of the minor children, at 10 a.m. on every 2nd Saturdays at the above venue and the respondent/father shall return the children at 4 p.m. at the same place. (iv) Considering the fact that the Schools are re- opening on 2.6.2014, we are inclined to extent the benefit of the above arrangement in favour of the respondent/father for the custody of the children on 31.5.2014 at the same venue, in accordance with the time scheduled under Clause (iii)." 3. When the matter is taken up today, learned counsel appearing for both the parties submitted that the directions in the order dated 29.05.2014 have been complied with meticulously on 14.06.014 and on the previous second Saturday as well. There is no complaint on either side regarding non-performance of the directions in letter and spirit. So, we find no point in retaining the appeal as things are properly working out. Therefore, we make it clear that the order passed by this Court on 29.05.2014, extracted above, has been made absolute with a condition that MFA (G&W) No.39/2014 3 in case of any breach in future, either of

the parties shall at liberty to approach this Court for appropriate directions. With these directions, the appeal is disposed of. V.K.MOHANAN, JUDGE. A. HARIPRASAD, JUDGE. cks

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