

Nisa Vs. Binsha

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Court : Supreme Court of India

Decided On : Jul-31-2017

Judge : Hon'Ble Mr. Justice Kurian Joseph, Hon'Ble Mrs. Justice R. Banumathi

Appeal No. : 21433 / 2017

Appellant : Nisa

Respondent : Binsha

Advocate for Pet/Ap. : Ankur S. Kulkarni

Judgement :

1 NON-REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL No.9921 OF2017[@ SPECIAL LEAVE PETITION (C) No.18742 OF2017]. NISA & ANR. Appellant(s) VERSUS BINSHA Respondent(s)

JUDGMENT

KURIAN, J.

Leave granted.

1. 2. Having heard the learned counsel on both sides, we are of the view that the petition now pending before the Family Court should be finally disposed of.

Accordingly, we direct the Family Court, Attingal to dispose of O.P. (G&W) No.450 of 2017 expeditiously and preferably within a period of six months.

3. We are informed that the child is now with the appellants. We direct that status quo, as on today, shall continue till the matter is finally disposed of by the Family Court. We also direct the Family Court to see that the respondent is given visitation rights of the child intermittently.

4. In view of this Judgment now passed, nothing survives in OP (FC) No.346 of 2017 pending before the High Court of Kerala and it is, accordingly, disposed of. 2

5. We make it clear that the Family Court will try and dispose of the petition uninfluenced by any of the observations and findings, either by the Family Court in the interim order or by the High Court or by this Court.

6. appeal is disposed of. The Registry shall communicate a copy of this 7. Judgment to the High Court of Kerala as well as to the Family Court at Attingal forthwith. There shall be no order as to costs. With the above observations and directions, this New Delhi; July 31, 2017.J.

[KURIAN JOSEPH].J.

[R. BANUMATHI]. 3 ITEM NO.45 COURT NO.6 SECTION XI -A S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (C) No(s). 18742/2017 (Arising out of impugned final judgment and order dated 11-07-2017 in OP No.346/2017 passed by the High Court Of Kerala At Ernakulam) NISA & ANR. Petitioner(s) VERSUS BINSHA Respondent(s) (FOR ADMISSION and I.R.) (EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

) (EXEMPTION FROM FILING O.T.) Date :

31. 07-2017 This petition was called on for hearing today. CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH HON'BLE MRS. JUSTICE R. BANUMATHI For Petitioner(s) Mr. Thomas P. Joseph, Sr. Adv. Mr. M. Gireesh Kumar, Adv. Mr. Ankur S. Kulkarni, AOR Mr. Sriram Parakkat, Adv. Mr. Jaimon Andrews, Adv. Mr.

Mukund P. Unny, Adv. For Respondent(s) Mr. Naresh Kumar, AOR

ORDER

UPON hearing the counsel the Court made the following Leave granted. The appeal is disposed of in terms of the signed non-reportable Judgment Pending interlocutory applications, if any, stand disposed of. (JAYANT KUMAR ARORA) (RENU DIWAN) COURT MASTER ASSISTANT REGISTRAR (Signed non-reportable Judgment is placed on the file)

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