

Yohannan Daniel vs Thara Sam

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Court : Kerala

Decided On : Apr-11-2025

Judge : Honourable Mr. Justice Devan Ramachandran, Honourable Mrs. Justice M.B. Snehalatha

Appeal No. : OP (FC)/239/2025

Appellant : Yohannan Daniel

Respondent : Thara Sam

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN &
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA FRIDAY, THE 11TH
DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

ORDER DATED 05.04.2025 IN IA 1/2025 IN OP(OTHERS)

NO.416 OF 2025, FAMILY COURT, MAVELIKKARA
PETITIONERS/RESPONDENT:

1 YOHANNAN DANIEL, AGED 64 YEARS S/O DANIEL, FROM
PUNNOOR KIZHAKKE PUTHEN KANDATHIL, PATHIYOORKALA,

NOW RESIDING AT KALAKATTU JOY VILLA, RAMAPURAM, KEERIKADU P.O., ALAPPUZHA, PIN - 690508. 2 RAMANI DANIEL, AGED 55 YEARS, W/O YOHANNAN DANIEL, FROM PUNNOOR KIZHAKKE PUTHEN KANDATHIL, PATHIYOORKALA, NOW RESIDING AT KALAKATTU JOY VILLA, RAMAPURAM, KEERIKADU P.O., ALAPPUZHA, PIN - 690508. BY ADV PRAFIN JOSEPH ZACHARIA

RESPONDENT/PETITIONER: THARA SAM, W/O JOBY Y DANIEL, ANJANAM, COURT ROAD, MAVELIKKARA P.O., ALAPPUZHA, KERALA, PIN - 690101. THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -
2-

JUDGMENT

Devan Ramachandran, J.

The petitioners singularly plead that the learned Family Court, Alappuzha at Mavelikkara, be directed to issue the certified copy of the

order in IA No.1/2025 in OP No.416/2025, within

a time frame to be fixed by this Court. They also pray that further steps in the execution of the decree in the above Original Petition be directed to be deferred by the Execution Court until the certified copy is received.

2. Hearing the learned counsel for the

petitioners - Sri.Prafin Joseph Zacharia, on the afore lines, we called for a report from the learned Family Court as to why the certified copy had not been issued.

3. The Office of the learned Family Court -3has now reported that the application for the certified copy of the order was received from the petitioners only on 08.04.2025; and that such copy will be issued under the authority of the Judge-in-Charge immediately. They explained

that the Presiding Officer is on leave from 07.04.2025 to 15.04.2025 in connection with Umrah. In the afore circumstances and since the petitioners say that they require the certified copy of the said order very urgently, we allow this Original Petition and direct the learned Family Court to issue the certified copy of the

order in IA No.1/2025 in OP No.416/2025 as

expeditiously as is possible, but not later than two days from the date of receipt of a copy of this judgment.

Needless to say, the plea for the stay of -4execution is not being considered at this stage on account of the afore direction, and all contentions in that regard are left open. Sd/- DEVAN RAMACHANDRAN JUDGE Sd/- M.B.SNEHALATHA akv JUDGE -5- APPENDIX OF OP (FC) 239/2025 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE ORIGINAL PETITION NUMBERED AS OP (OTHERS) NO.416/2025 FILED BY THE RESPONDENT DATED 25-02- EXHIBIT P2 TRUE COPY OF THE ATTACHMENT PETITION IA NO.1/2025 FILED BY THE RESPONDENT DATED 25-02-2025 EXHIBIT P3 TRUE COPY OF THE OBJECTION DATED 15- 03-2025 FILED BY THE PETITIONERS

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