

**John vs Veena**

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**SooperKanoon Citation :** [sooperkanoon.com/1289981](https://sooperkanoon.com/1289981)

**Court :** Kerala

**Decided On :** Mar-11-2024

**Judge :** Honourable Mrs. Justice Anu Sivaraman, Honourable Mr. Justice C. Pratheep Kumar

**Appeal No. :** OP (FC)/136/2022

**Appellant :** JOHN

**Respondent :** VEENA

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN & THE HONOURABLE MR. JUSTICE C. PRATHEEP KUMAR MONDAY, THE 11TH DAY OF MARCH 2024 / 21ST PHALGUNA, 1945 AGAINST THE ORDER/JUDGMENT DATED 18.02.2022 IN GOP NO.241 OF 2020 OF FAMILY COURT, IRINJALAKUDA PETITIONER: JOHN AGED 55 YEARS SON OF VELUTHUKKARAN ITTICHAN, CHIYYARAM DESOM AND VILLAGE, THRISSUR TALUK, PIN - 680026 BY ADVS. N.M.MADHU C.S.RAJANI RESPONDENTS:

1 VEENA DAUGHTER OF VAZHAPPILLY POULOSE,  
KUZHIKATTUKONAM DESOM, MADAYIKONAM VILLAGE,  
MUKUNDAPURAM TALUK, NEW ADDRESS - VEENA WIFE OF BIJU,  
CHENATHUPARAMBIL HOUSE, VELOOKKARA, KANJIRAPILLY P.O.,  
ATHIRAPILLY VIA, CHALAKUDY, THRISSUR DISTRICT, MINORS -  
JOVIN SON OF PETITIONER AND RESPONDENT, JOVINA  
DAUGHTER OF PETITIONER AND RESPONDENT, PIN - 680721 2  
JOVIN SON OF PETITIONER AND RESPONDENT, PIN - 680721 3  
JOVINA DAUGHTER OF PETITIONER AND RESPONDENT, PIN -  
680721 BY ADVS. DHANYA P.ASHOKAN  
M.R.VENUGOPAL(K/000472/1994) S. MUHAMMAD  
ALIKHAN(K/000644/2020)

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON  
11.03.2024, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING: ANU SIVARAMAN & C.PRATHEEP KUMAR, JJ  
----- Dated this the 11th  
March, 2024

## **JUDGMENT**

Anu Sivaraman, J The above OP(FC) is filed challenging Ext.P4 common order in as much as Exts.P1 and P2 Interlocutory Applications filed by the father have been dismissed. It is submitted that Exts.P1 and P2 applications were filed seeking interim custody of the minor children as also for a direction to the respondent to send the children for motivational classes and counseling. It is submitted that though the issue was considered by the Family Court, the specific request of the petitioner that the children should be given sufficient counseling so that they would be willing to interact normally with the father in their best interest has not been considered by the Family Court.

2. A detailed counter affidavit has been

place on record by the respondent, and it is pointed out that the petitioner-father had been allowed visitation rights of the children for two days during the onam

holidays, three days during Christmas holidays and 5 days during mid summer holidays.

3. We notice that the matrimonial cases

were settled through a compromise dated 26.05.2014 by Ext.R1(a). It was mutually agreed that the permanent custody of the minor children would be with the respondent mother. The application for interim custody had been considered by the Family Court and the Family Court had interacted with the children. It was noticed that the children were comfortable with the present situation and were thriving in the company of the mother. It is submitted that in the above circumstances that Ext.P4 order has been passed. It is further submitted that one of the children has already attained majority and the younger child is aged 15 and is perfectly capable of expressing her own views. It is submitted that the father has not availed the visitation rights already ordered by the Family Court.

4. Having considered the contentions raised

by either side, and in view of the fact that the Family Court had interacted with the children and had passed the order after considering all relevant aspects, we are of the opinion that no interference is called for. The OP(FC) fails and is accordingly dismissed. Ordered accordingly. Sd/- ANU SIVARAMAN JUDGE Sd/- C.PRATHEEP KUMAR JUDGE jma APPENDIX OF OP (FC) 136/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE I.A. NO.2/2020 DATED 06.03.2020 IN G.O.P. NO.241/2020 ON THE FILES OF THE FAMILY COURT, IRINJALAKUDA Exhibit P2 TRUE COPY OF THE I.A. NO.3/2020 DATED 23.12.2021 IN G.O.P. NO.241/2020 ON THE FILES OF THE FAMILY COURT, IRINJALAKUDA Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 13.04.2018 IN G.O.P. NO.391/2015 PASSED BY THE FAMILY COURT, IRINJALAKUDA RESPONDENT EXHIBITS Exhibit R1(b) True copy of the GOP 241/2020 dated PETITIONER EXHIBITS Exhibit P4 TRUE COPY OF THE COMMON ORDER DATED

18.02.2022 IN I.A. NO.2/2020 & I.A. NO.3/2021 IN G.O.P. NO.241/2020 PASSED BY THE FAMILY COURT, IRINJALAKUDA RESPONDENT EXHIBITS

ExhibitR1(a) ExhibitR1(a):- True copy of the compromise dated 26/05/2014 in OP 802/12 on the file of Family Court, ExhibitR1(a) ExhibitR1(a):- True copy of the compromise dated 26/05/2014 in OP 802/12 on the file of Family Court, Exhibit R1(b) True copy of the GOP 241/2020 dated

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