

Jo Augustine vs Ambili Jo

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Court : Kerala

Decided On : Mar-04-2024

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr. Justice G.Girish

Appeal No. : Con.APP(C)/2/2024

Appellant : Jo Augustine

Respondent : Ambili Jo

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN & THE HONOURABLE MR. JUSTICE G. GIRISH MONDAY, THE 4TH DAY OF MARCH 2024 / 14TH PHALGUNA, 1945 CON.APP(C)NO.2 OF 2024 ARISING FROM ORDER DATED 19.01.2024 IN CON.CASE(C)NO.174 OF 2024 OF THE HIGH COURT OF KERALA APPELLANT/1ST RESPONDENT: JO AUGUSTINE AGED 53 YEARS SON OF V.V. AUGUSTIN, VALAVANATHURUTHEL VEEDU, THACHAMPARA POST, MANNARKKKAD TALUK, THACHAMPARA VILLAGE, PALAKKAD DISTRICT, KERALA STATE, PIN - 678593 SHIBIN K.F. SEBY JOSEPH GISON ALIYAS RESPONDENTS/PETITIONERS: 1 AMBILI JO DAUGHTER OF A.J.

THOMAS, AKKAMATTATHIL HOUSE, PALAKKAYAM POST, MANNARKKAD TALUK, PALAKKAD DISTRICT, KERALA STATE, PIN - 678591 2 SIVASANKARAN P. AGED 46 YEARS SHO AND SUB INSPECTOR OF POLICE, KALLADIKKODE POLICE STATION, KALLADIKKODE P.O., PALAKKAD DISTRICT, PIN - 678596 SHOBY K.FRANCIS AGI SHOBY(A-768) THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR ADMISSION ON 04.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J The 1st respondent in Cont. Case (C)No.174 of 2024, arising out of the order of a learned Single Judge dated 20.12.2023 in I.A.No.1 of 2023 in O.P.(Crl)No.876 of 2023, has filed this Contempt Appeal, invoking provisions under Section 19(1) of the Contempt of Courts Act, 1971, challenging the order dated 19.01.2024 of the learned Single Judge in Cont. Case (C)No.174 of 2024.

2. On 13.02.2024, when this appeal came up for admission, this Court admitted the matter on file. The 1st respondent-wife entered

appearance through counsel. The learned counsel for the 1st respondent-wife submitted that the wife is presently residing in a shared residence. By the order dated 13.02.2024, this Court granted an interim stay as prayed for, for a period of one month. It was made clear that the said order will not stand in the way of the learned Single Judge in proceeding with O.P.(Crl)No.876 of 2023.

3. Today, when this matter came up for consideration, it is

submitted by the learned counsel for the appellant and also the learned counsel for the 1st respondent that, by the judgment dated 23.02.2024, the learned Single Judge disposed of O.P.(Crl)No.876 of 2023. Paragraphs 2 and 3 of that judgment read thus; 2. Accordingly this original petition will stand disposed of

setting aside Ext.P3 order to the extent it directs the petitioner herein to handover vacant possession of the petition schedule property to the

respondent (petitioner in CMP No.2896/2023 in MC No.99/2023). It is made clear that all other conditions in the order will continue to operate and the residence of the respondent in the petition schedule building shall not be interfered with by the petitioner. It is also made clear that the petitioner also has the right to continue in the shared household without in any manner interfering with the residence of the respondent.

3. Notwithstanding the above judgment either of the parties

will be at liberty to approach the learned Magistrate for modification of the order, if necessary. The learned Magistrate shall endeavour to dispose of MC No.99/2023 as expeditiously as possible without undue delay. Any observation in this judgment shall not affect the final adjudication of MC No.99/2023. This original petition is ordered accordingly.

4. Even prior to the disposal of that original petition, by an

order dated 21.02.2024, the learned Single Judge closed Cont.

Case(C)No.174 of 2024.

5. The learned counsel for the appellant would point out that though O.P.(Crl)No.876 of 2023 was originally disposed of by the

judgment dated 21.02.2024, at the request of the learned counsel for

the original petitioner-1st respondent herein, the matter was listed as to be spoken to on 23.02.2024 and it is thereafter, that the original petition was disposed of by the judgment dated 23.02.2024.

6. Having heard the submissions made by the learned counsel

for the appellant and also the learned counsel for the 1 st respondent, we do not find any reason to proceed with this contempt appeal further, in view of the

disposal of O.P.(Crl)No.876 of 2023 and the closure of Cont.Case(C)No.174 of 2024. In such circumstances, leaving open the rival contentions raised by both sides, this contempt appeal is also closed. ANIL K. NARENDRAN, JUDGE G. GIRISH, JUDGE MIN

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