

Jerin Joy, vs Lucy Simon,

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : Con.Case(C)/2338/2023

Appellant : Jerin Joy,

Respondent : Lucy Simon,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN MONDAY, THE 25TH DAY OF MARCH 2024 / 5TH CHAITHRA, 1946 AGAINST THE JUDGMENT DATED IN OP (FC) NO.355 OF 2023 OF HIGH COURT OF KERALA PETITIONER/S: JERIN JOY, AGED 41 YEARS S/O JOY, RESIDING AT AYROOKARAN HOUSE, KORATTY P O, THRISSUR DISTRICT-, PIN - 680308 BY ADVS. P.MARTIN JOSE P.PRIJITH THOMAS P.KURUVILLA R.GITESH RAPHAEL THEKKAN CHRISTINE MATHEW HARIKRISHNAN S. S.SREEKUMAR (SR.) RESPONDENT/S: LUCY

SIMON, AGED 39 YEARS D/O. SIMON JOHN, MULLAKERI HOUSE, HOUSE, HOUSE NO.50/438-A, MYTHRI NAGAR, MANIMALA ROAD, EDAPALLY P.O, ERNAKULAM DISTRICT-, PIN - 682024 -:2:- BY ADVS. ADV.TISSY ROSE K.CHERIYAN ADV.ASHIKA JOSHY ADV.JAIN JAISON MATHEW ADV.B.BINDU, CLAP LAWYER THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 25.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:3:- A.MUHAMED MUSTAQUE & SOPHY THOMAS, JJ. ----- Cont.Case (C) No.2338 of 2023 ----- Dated this the 31st day of May, 2024

J U D G M E N T

A.Muhamed Mustaque, J.

We interacted with the parties, and the parties, on deliberations, agreed to the following:

1. Child shall be in the permanent custody of the father, subject to the

following conditions: a) The child has been brought back to India by the father, and he shall be with the mother until 5/7/2024. b) On that day, the child shall be handed over to the father. c) Father will take the child to Abu Dhabi. d) The mother shall apply for the transfer certificate and other documents to enable the child to be enrolled in Abu Dhabi. e) While the child is in the custody of the mother till 5/7/2024, the father is permitted to contact the child every Saturday between 7 pm to 7.30 pm. -:4:- f) While the child is in the custody of the father, the mother is permitted to make a call at any time she wishes to contact the child. g) During every annual vacation, the child shall be handed over to the mother for a period of four weeks. The aforementioned conditions will apply regarding contacting the child while handing over the child to the mother during vacation. h) In every alternate Christmas holidays, the child shall be brought to India to

handover custody to the mother. The first of such custody shall be given in the year 2025. The child shall be handed over through the office of CLAP Lawyer. i) If there is any dispute between the parties regarding the terms and conditions as above, they are free to contact CLAP Lawyer as well.

The Contempt Case is disposed of as above. We appreciate the service rendered by CLAP Lawyer Smt. B. Bindu. Sd/- A.MUHAMED MUSTAQUE, JUDGE Sd/- SOPHY THOMAS, JUDGE ms -:5:- APPENDIX OF CON.CASE(C) 2338/2023 PETITIONER ANNEXURES Annexure I CERTIFIED COPY OF THE JUDGMENT DATED 16.08.2023 IN O.P(FC) NO. 355 OF 2023 Annexure II TRUE COPY OF THE SCREENSHOTS FROM THE PETITIONER'S CALL HISTORY DATED NIL Annexure III TRUE COPY OF SCREENSHOTS FROM THE PETITIONER'S WHATSAPP CHAT DATED NIL Annexure IV TRUE COPY OF SCREENSHOTS FROM THE PETITIONER'S ZOOM APP DATED NIL Annexure V TRUE COPY OF THE ORDER DATED 17-12-2021 IN CON.CASE(C).NO.1934/2021 IN O.P(FC).NO.88/2021

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