

Joshy Mon vs Sheeba

Joshy Mon vs Sheeba

SooperKanoon Citation : sooperkanoon.com/1311067

Court : Kerala

Decided On : Feb-29-2024

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

Appeal No. : OP (FC)/123/2024

Appellant : Joshy Mon

Respondent : Sheeba

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN & THE HONOURABLE MR. JUSTICE C. PRATHEEP KUMAR
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945
AGAINST OP 351/2018 OF FAMILY COURT, PALA
PETITIONERS/RESPONDENTS: 1 JOSH Y MON AGED 47 YEARS S/O. KURIAKOSE, RESIDING AT OZHAKAL HOUSE, KALATHUKADAVU P.O., MOONILAVU VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN - 2
SANTHOSH GEORGE S/O. GEORGE, CHERUKARICKAL HOUSE, POONJAR THEKKEKARA VILLAGE, PERINGALAM P.O., MEENACHIL TALUK, KOTTAYAM, PIN - 686582

BY ADVS. GEORGE MATHEW SUNIL KUMAR A.G MATHEW K.T.
GEORGE K.V. STEPHY K REGI MEDHA B.S.
RESPONDENT/RESPONDENT: SHEEBA W/O. JOSHY MON
KURIAKOSE, RESIDING AT OZHAKAL HOUSE, KALATHUKADAVU
P.O., MOONILAVU VILLAGE, MEENACHIL TALUK, KOTTAYAM
DISTRICT, REP. BY HER POWER OF ATTORNEY HOLDER -
MARYKUTTY, W/O. VARGHESE, MANNAMPALLY HOUSE, T.V.
PURAM P.O., VAIKOM TALUK, KOTTAYAM DISTRICT, PIN - 686606
THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
29.02.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

(Dated this the 29th day of February, 2024) Heard the learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioner

that O.P.Nos.351/2018 and 29/2020 are pending before the Family Court, Pala. It is also submitted that Exts.P10 and P11 Interlocutory applications have been filed for expeditious disposal of the case before the Family Court and that the cross-examination of the petitioner is to be completed at the earliest.

3. The learned counsel for the petitioner submitted that

the petitioner and the respondent are employed abroad and that the 1st petitioner has come down for a short leave for tendering evidence in the case. It is also submitted that an application with regard to consideration of the maintainability is also pending before the Family Court.

4. Having considered the contentions advanced, we are of

the opinion that the Family court should pass appropriate orders on Exts.P10 and P11 interlocutory applications filed in O.P.Nos.351/2018 and 29/2020 without delay. Accordingly, there will be a direction to the Family Court to take up and

pass orders on Exts.P10 and P11 and other interlocutory applications with regard to the maintainability and endeavour to dispose of the same after hearing all concerned parties without undue delay.

ANU SIVARAMAN C.PRATHEEP KUMAR rp APPENDIX OF OP (FC) 123/2024 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF MEMORANDUM DTD.08.06.2018 IN O.P. NO. 351 OF 2018 OF THE FAMILY COURT, PALA Exhibit P2 TRUE COPY OF WRITTEN STATEMENT 07.12.2018 IN EXT.P1 Exhibit P3 TRUE COPY OF MEMORANDUM DTD. 13.01. 2020 IN O.P. NO. 29 OF 2020 OF THE FAMILY COURT, PALA Exhibit P4 . TRUE COPY OF JOINT OBJECTION/WRITTEN STATEMENT DTD. NIL IN EXT.P3 Exhibit P5 TRUE COPY OF COMMON JUDGMENT DTD. 30.05.2023 O.P.

(FC) NO. 711 OF 2022 AND O.P. (FC) NO. 294 OF 2023

Exhibit P6 TRUE COPY OF COMMON ORDER DTD. 21.07.2023 IN R.P. NOS. 690 AND 696 OF 2023 Exhibit P7 TRUE COPY OF ORDER DTD. 25.07.2023 IN I.A. NO. 15 OF 2023 IN EXT.P3 Exhibit P8 TRUE COPY OF JUDGMENT DTD. 05.12.2023 IN O.P. (FC) NO. 649 OF 2023 Exhibit P9 TRUE COPY OF ORDER DTD. 22.01.2024 IN R.P. NO. 61 OF 2024 Exhibit P 10 TRUE COPY OF I.A. NO.11 OF 2024 IN O.P. NO.351 OF 2018 OF THE FAMILY COURT, PALA Exhibit P11 TRUE COPY OF I.A. NO.24 OF 2024 IN O.P. NO.29 OF 2020 OF THE FAMILY COURT, PALA

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com