

**Thankachan vs Ramees**

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**SooperKanoon Citation :** [sooperkanoon.com/1311102](https://sooperkanoon.com/1311102)

**Court :** Kerala

**Decided On :** Jun-06-2024

**Judge :** Honourable Mr. Justice Raja Vijayaraghavan V, Honourable Mr. Justice P.M.Manoj

**Appeal No. :** OP (FC)/130/2024

**Appellant :** Thankachan

**Respondent :** Ramees

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V & THE HONOURABLE MR. JUSTICE P.M.MANOJ THURSDAY, THE 6TH DAY OF JUNE 2024 / 16TH JYAISHTA, 1946 OP (FC) NO. 130 OF 2024 AGAINST THE ORDER/JUDGMENT DATED 05.02.2024 IN OP NO.2377 OF 2021 OF FAMILY COURT, THIRUVANANTHAPURAM PETITIONER/S: 1 THANKACHAN, AGED 68 YEARS S/O. KOMALEYOSE, FREEDA BHAVANAM, SHANGHUMUGHAM, BEACH (P.O), THIRUVANANTHAPURAM, PIN - 695007 2 DOLLY THANKACHAN, AGED 56 YEARS BUSINESS, W/O. THANKACHAN, FREEDA

BHAVANAM, SHANGHUMUGHAM, BEACH (P.O),  
THIRUVANANTHAPURAM, PIN - BY ADVS. GOPAKUMAR  
R.THALIYAL C.M.EMMANUEL R.B.BALACHANDRAN  
RESPONDENT/S: RAMEES, AGED 35 YEARS S/O. ABDUL  
RAHUMAN, MADAM VILAKAM, PULLOORKONAM, VIZHINJAM,  
THIRUVANANTHAPURAM,, PIN - 695523 BY ADVS. R.SUNIL KUMAR  
A.SALINI LAL(K/1486/1999) THIS OP (FAMILY COURT) HAVING  
COME UP FOR ADMISSION ON 06.06.2024, THE COURT ON THE  
SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

**Raja Vijayaraghavan, J.**

### **The aforesaid petition is filed seeking to set aside Ext.P28 order**

passed by the Family Court and to allow the petitioners herein to have custody of their minor grandchildren. It appears that the above petition was filed when an order was issued by the Family Court directing the petitioners herein to produce the children before the Court on 19.02.2024. By order dated 23.02.2024, this Court had stayed the entire proceedings. Practically, this petition has now become infructuous.

2. We find that the petitioners herein are the maternal grandparents. The mother of the children had committed suicide.

3. The learned counsel appearing for the petitioners submits

that the petitioners have preferred OP No.1018 of 2022 before the Family Court, Neyyattinkara, seeking permanent custody of the minor children. The respondent on the other hand has preferred OP No.2377 of 2021 before the Family Court, Thiruvananthapuram, which has been transferred to the Family Court, Neyyattinkara. The learned counsel requests that the Family Court be directed to expedite the trial proceedings and take the matter to its logical conclusion.

4. At this stage, the counsel appearing for the respondent

submits that the respondent is now working overseas. He requests that till a decision is taken by the Family court one way or the other, the respondent be permitted to interact with children through video call. This request is vehemently opposed by the learned counsel appearing for the petitioner. He submitted that these are matters which are to be considered by the Family Court at the appropriate stage.

5. We have considered the submissions advanced.

6. We are of the view that this petition can be disposed of by

directing the Family Court to consider the petitions filed by the parties herein and take appropriate decisions in accordance with law. In order to enable the father to have an emotional bonding with the children he shall be permitted to interact with the children through video call on every Saturday between 6:30 and 7:00 p.m.. It would always be open to the Family Court to modify the arrangement based on request made by either of the parties. The original petition is disposed of. sd/- RAJA VIJAYARAGHAVAN V JUDGE sd/- P.M.MANOJ JUDGE das APPENDIX OF OP (FC) 130/2024 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 25.07.2013 Exhibit P2 TRUE COPY OF THE COMPLAINT DATED 02.01,2017 SUBMITTED TO THE SUB INSPECTOR OF POLICE, WOMEN'S POLICE STATION, CANTONMENT, THIRUVANANTHAPURAM. Exhibit P3 TRUE COPY OF THE COMPLAINT DATED 04.01.2017 SUBMITTED TO THE STATE WOMEN'S COMMISSION, THIRUVANANTHAPURAM Exhibit P4 TRUE COPY OF THE CERTIFICATE DATED 15.09.2022 ISSUED BY THE PRINCIPAL, NSS PUBLIC SCHOOL, PERUMTHANNI, THIRUVANANTHAPURAM Exhibit P5 TRUE COPY OF THE PETITION IN O.P NO. 2377/2021 ALONG WITH IA NO.1/2021 DATED 12.10.2021 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM Exhibit P6 TRUE COPY OF THE NOTICE DATED 19.08.2022 ISSUED FROM THE FAMILY COURT, THIRUVANANTHAPURAM Exhibit P7 TRUE COPY OF THE COMPLAINT DATED 13.09.2022 SUBMITTED BY THE PETITIONER BEFORE THE S.H.O, VIZHINJAM POLICE STATION Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 28.09.2022 PASSED BY THIS HON'BOLE COURT IN W.P

(CRL) NO. Exhibit P9 TRUE COPY OF THE OBJECTION DATED 20.10.2022. Exhibit P10 TRUE COPY OF THE ORDER DATED 06.12.2022 IN I.A NO. 06/2022 IN O.P. NO. 2377/2021 PASSED BY THE FAMILY COURT, THIRUVANANTHAPURAM. Exhibit P11 TRUE COPY OF THE AFFIDAVIT AND PETITION DATED 11.01.2023 IN I.A NO. 7/2023 IN O.P. NO. Exhibit P12 TRUE COPY OF THE COMMON ORDER DATED 16.03.2023

PASSED BY THE FAMILY COURT, THIRUVANANTHAPURAM IN I.A NO. 7/2023 AND I.A NO. 5/2022 IN O.P. NO. 2377/2021.

Exhibit P13 TRUE COPY OF THE JUDGMENT DATED 10.04.2023 PASSED BY THIS HON'BOLE COURT IN O.P (F.C) NO. Exhibit P14 TRUE COPY OF THE ORDER DATED 22.08.2023 IN I.A NO.10/2023 IN O.P. NO. 2377/2021 PASSED BY THE FAMILY COURT, THIRUVANANTHAPURAM. Exhibit P15 TRUE COPY OF THE AFFIDAVIT AND PETITION DATED SEPTEMBER, 2023 IN I.A NO. 12/2023 IN O.P. NO. THIRUVANANTHAPURAM. Exhibit P16 TRUE COPY OF THE PETITION DATED SEPTEMBER 23 IN I.A NO.15/2023 IN O.P. NO. 2377/2021 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM. Exhibit P17 TRUE COPY OF THE AFFIDAVIT AND PETITION DATED 20.12.2023 IN I.A NO.16/2023 IN O.P. NO. THIRUVANANTHAPURAM. Exhibit P18 TRUE COPY OF THE ORDER DATED 30.12.2023 IN O.P. NO.2377/2021 PASSED BY THE FAMILY COURT, THIRUVANANTHAPURAM Exhibit P19 TRUE COPY OF THE CERTIFICATE DATED 31.01.2024

ISSUED BY THE PRINCIPAL/HEADMISTRESS OF VPS MALANKARA HIGHER SECONDARY SCHOOL, VENGANOOR, THIRUVANANTHAPURAM IN THE CASE OF ZIYA RAMEEZ.

Exhibit P20 TRUE COPY OF THE RECEIPT DATED 29.01.2024 ISSUED FROM MOTHER THERESA NURSERY & L.P SCHOOL (CBSE), VENGANOOR, THIRUVANANTHAPURAM. Exhibit P21 TRUE COPY OF THE RECEIPT DATED 29.01.2024 ISSUED FROM MOTHER THERESA NURSERY & L.P SCHOOL (CBSE), VENGANOOR, THIRUVANANTHAPURAM. Exhibit P22 TRUE PHOTOGRAPH OF THE ELDER CHILD SHOWING THE FRACTURE ON HER LEFT HAND Exhibit P23 TRUE COPY OF THE FIRST INFORMATION REPORT

DATED 10.01.2024 IN CRIME NO. 56/2024 OF VIZHINJAM POLICE STATION. Exhibit P24 TRUE COPY OF THE FIRST INFORMATION REPORT DATED 14.12.2023 IN CRIME NO.1523/2023 OF VIZHJNJAM POLICE STATION. Exhibit P25 TRUE COPY OF THE JUDGMENT DATED 22.11.2023 PASSED BY THIS HON'BLE COURT IN W.P (CRL) NO. Exhibit P26 TRUE COPY OF THE FIRST INFORMATION REPORT DATED 16.12.2023 IN CRIME NO.1417/2023 OF VALIYATHURA POLICE STATION Exhibit P27 TRUE COPY OF THE PETITION DATED DECEMBER 2022 IN O.P (G & W) NO. 1018/2022 BEFORE THE FAMILY COURT, NEYYATTINKARA Exhibit P28 TRUE COPY OF THE ORDER DATED 05.02.2024 ISSUED BY THE FAMILY COURT, THIRUVANANTHAPURAM IN O.P. NO. 2377/2021

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