

Jalaja vs Sudarsanan

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Court : Kerala Orders

Decided On : Feb-22-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Mat.Appeal/963/2015

Appellant : Jalaja

Respondent : Sudarsanan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY, THE 22ND DAY OF FEBRUARY 2023 / 3RD PHALGUNA, MAT.APPEAL NO. 963 OF 2015 AGAINST THE ORDER/JUDGMENT DATED 30.12.2014 IN OP 6/2014 OF FAMILY COURT, ATTINGAL APPELLANTS/PETITIONERS: 1 JALAJA, AGED 46 YEARS D/O.RADHA, PLAVILA VEEDU, PAPPALA, PAZHAYAKUNNUMMEL VILLAGE, KILIMANOOR, THIRUVANANTHPAURAM. 2 DRISIA, AGED 14 YEARS, (MINOR) S/O.SUDARSANAN, RESIDING AT -DO- STATED IN THE OP AS FEMALE CHILD OF THE 1ST PETITIOENR,

REPRESENTED BY HER MOTHER AND GUARDIAN 1ST RESPONDENT. BY ADVS. SRI.RAM MOHAN.G. SHRI.AJIT G ANJARLEKAR SRI.GOVIND PADMANAABHAN SRI.MANU V. SRI.G.P.SHINOD RESPONDENT/RESPONDENT: SUDARSANAN, S/O.GOVINDAN, SAVITHIR BHAVAN, MUTTAPPALAM, AZHOOR, FROM THEKKEVILAKATHU VEEDU, MUDAPURAM P.O., KOZHIVILAM VILLAGE, CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM - 695 314. BY ADV SRI.M.R.RAJESH THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 22.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K.Narendran, J.

The appellants, who are the wife and minor child of the respondent, had filed O.P.No.6 of 2014 on the file of the Family Court, Attingal seeking maintenance, return of money and gold ornaments or its value and consequential reliefs. The Family Court by judgment dated 30.12.2014 in O.P.No.6 of 2014 refused to grant the entire reliefs sought for by the appellants. The operative portion of the said judgment reads thus;

22. Point No.4:- In the result, O.P.No.6/2014 is partly allowed as follows:-

1) The prayer for return of 1 lakh rupees and 38 Sovereigns of gold ornaments or the value of the same to the 1st petitioner is disallowed. 2) The prayer for maintenance by the 1 st petitioner is disallowed. 3) Respondent is directed to pay monthly maintenance @ Rs.3,000/- to the 2nd minor petitioner from the date of this decree. 4) 1st petitioner is authorized to receive the amount of maintenance on behalf of the 2nd minor petitioner.

5) The interests accrued on the amount of Rs.90,000/- deposited by the respondent is allowed to be withdrawn by the 1st petitioner from time to time towards the educational expenses of the 2nd minor petitioner until she attain majority and thereafter the amount will go to the marriage expenses of the 2nd petitioner. 6) Considering the relationship between the parties, they are liable for their respective costs.

2. Feeling aggrieved, the appellants are before this Court in this appeal, invoking the provisions under Section 19(1) of the Family Court Act.

3. On 06.10.2015, when this appeal came up for admission, this Court admitted the matter on file and issued notice to the respondent by speed post.

4. On 01.02.2019, when this appeal came up for

consideration, the learned counsel for the respondent sought time to file counter affidavit in I.A.No.1 of 2018. Accordingly, the matter was directed to be posted after ten days and an interim

order restraining the respondent from alienating or encumbering

the scheduled property, in any manner, was granted.

5. Today, when the matter is taken up for consideration,

the learned counsel for the appellants would submit that a memo dated 14.02.2023 has been filed to dismiss this appeal as not pressed. The said memo reads thus; The respondent is no more. Therefore, the appellants do not want to proceed with the above matrimonial appeal. In the light of the above, it is most humbly prayed that the above appeal may be closed as not pressed in the interest of justice. Recording the aforesaid memo filed by the learned counsel for the appellants, this appeal is dismissed as not pressed. ANIL K.NARENDRA
P.G.AJITHKUMAR jg