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Sudeesh K.V. vs Rameya

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Court : Kerala

Decided On : May-30-2023

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

Appeal No. : OP (FC)/198/2023

Appellant : Sudeesh K.V.

Respondent : Rameya

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS TUESDAY, THE 30TH DAY OF MAY 2023 / 9TH JYAISHTA, 1945 AGAINST THE VIEW OF THE FAMILY COURT, KANNUR INSISTING EXECUTION OF NEW VAKALATH BY POWER OF ATTORNEY HOLDER WHILE THE POWER GIVER'S VAKALATH IS ALREADY ON RECORD, AS ASCERTAINED FROM THE ENDORSEMENT DATED NIL OF THE FAMILY COURT, KANNUR REFUSING TO ACCEPT THE POWER OF ATTORNEY DATED 15/12/2022 PRODUCED BEFORE IT IN O.P.NO.1571/2021. PETITIONER/RESPONDENT: SUDEESH K.V.,

AGED 43 YEARS, S/O C.V. SIVAKRISHNAN, D1 GALAXY ARCADE, PEEDIYAKAL LANE, ABDUL RAHMAN ROAD, NEAR SRM ROAD, ERNAKULAM, PIN-682 018 REPRESENTED BY HIS POWER OF ATTORNEY HOLDER SRI.C.V.SIVAKRISHNAN, AGED 77 YEARS, S/O. LATE P.M.KRISHNAMARAR, D1 GALAXY ARCADE, PEEDIYAKAL LANE, ABDUL RAHMAN ROAD, NEAR SRM ROAD, ERNAKULAM, PIN-682 018. BY ADV KALA G.NAMBIAR RESPONDENTS/PETITIONERS: 1 RAMEYA, AGED 38 YEARS, D/O. V.REMESAN, FLAT D, NANDANAM APARTMENTS, NEAR TOWN HIGH SCHOOL, OPP. MASCOT PARADISE, S.N.PARK, KANNUR, PIN-670 001. 2 AVYUKT, AGED 9 YEARS (MINOR), S/O. SUDEESH K.V., REPRESENTED BY MOTHER AND GUARDIAN RAMEYA, FLAT D, NANDANAM APARTMENTS, NEAR TOWN HIGH SCHOOL, OPP. MASCOT PARADISE, S.N.PARK, KANNUR, PIN-670 001. -2- 3 ANVIKA, AGED 8 YEARS (MINOR), S/O SUDEESH K.V., REPRESENTED BY MOTHER AND GUARDIAN RAMEYA, FLAT D, NANDANAM APARTMENTS, NEAR TOWN HIGH SCHOOL, OPP. MASCOT PARADISE, S.N.PARK, KANNUR, PIN-670 001. BY ADVS. O V MANIPRASAD O V JOSE ANTONY(K/778/2011) HARIKRISHNAN P.(K/470/2020) THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 30.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

Dated this the 30th day of May, 2023

A. MUHAMED MUSTAQUE, J.

This original petition is filed seeking the following reliefs:

(i) issue any direction or order to the

Hon'ble Family Court, Kannur to number Ext.P4 interlocutory application and accept Ext.P3 Power of Attorney Deed on record, without insisting the Power of

Attorney holder of the petitioner to execute a new Vakalath in O.P. No.1571/2021.

(ii) grant such other reliefs as this Hon'ble court may deem fit, necessary, proper and just in the peculiar facts and circumstances of the case.

2. It appears that the party himself has signed

a vakalath. Later, an application was filed through the Power of Attorney. If a Power of Attorney holder -4- is authorised to file an affidavit acting upon the Power of Attorney, the application can be received on record.

3. The respondents also raised no objection in receiving Ext.P4 interlocutory application based on the Power of Attorney.

4. Therefore, we direct the Family Court, Kannur

to accept Ext.P4 interlocutory application and also Ext.P3 Power of Attorney on record without insisting the Power of Attorney holder to execute new vakalath. Ordered accordingly. Sd/- A.MUHAMED MUSTAQUE JUDGE Sd/- SOPHY THOMAS JUDGE bpr -5- APPENDIX OF OP (FC) 198/2023 PETITIONER'S EXHIBITS Exhibit P1 A TRUE COPY OF O.P.NO.1571/2021 ON THE FILES OF THE FAMILY COURT KANNUR Exhibit P2 A TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER TO O.P.NO.1571/2021 ON THE FILES OF THE FAMILY COURT, KANNUR Exhibit P3 A TRUE COPY OF THE POWER OF ATTORNEY DEED DATED 15/12/2022 Exhibit P4 A TRUE COPY OF THE PETITION TO ACCEPT

POWER OF ATTORNEY FILED UNDER O.III R.1 OF THE CODE OF CIVIL PROCEDURE, 1908 R/W R.22 OF CIVIL RULES OF PRACTICE, KERALA ON THE FILES OF THE FAMILY COURT, KANNUR Exhibit P5 A TRUE COPY OF THE ENDORSEMENT DATED NIL OF THE LEARNED FAMILY COURT JUDGE, KANNUR

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