

Riji vs Binu

Riji vs Binu

SooperKanoon Citation : sooperkanoon.com/1356805

Court : Kerala

Decided On : Apr-25-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas, Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP (FC)/204/2023

Appellant : RIJI

Respondent : BINU

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS & THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945 OP (FC) NO. 204 OF 2023 AGAINST THE ORDER IN IA 11/2023 IN GOP 410/2020 OF FAMILY COURT, IRINJALAKUDA

PETITIONER/RESPONDENT: RIJI, AGED 37 YEARS D/O KARIPPAL RAPPAL, KUTTIKKAD DESOM, PARIYARAM VILLAGE, CHALAKUDY TALUK -, PIN - 680724 BY ADVS.M.S.ANEER SREELAKSHMI SURESH RESPONDENT/PETITIONER: BINU, AGED 41 YEARS, S/O MUTTATH VARGHESE, ELINJIPARA, CHOWKA SITHARA NAGAR

DESOM CHALAKUDY VILLAGE & TALUK, PIN - 680721 SRI C A
CHACKO SR GP SRI V TEKCHAND THIS OP (FAMILY COURT)
HAVING COME UP FOR ADMISSION ON 25.04.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: -:2:- Bechu Kurian
Thomas & Dr. Kauser Edappagath, JJ. Dated this the 25th day of April,
2023 -----

JUDGMENT

Bechu Kurian Thomas, J.

The impugned order grants custody of two minor children to the respondent father from 19.4.2023 to 28.4.2023 and again from 6.5.2023 to 25.5.2023.

2. Sri. M.S. Aneer, the learned counsel for the petitioner

vehemently contended that the impugned order grants custody of the minor children to the respondent for a considerably long period of time and the same is prejudicial to the interest of the children. It was also submitted that since the summer vacations have started, the petitioner's interest to take the children for a holiday stands affected by the long custody given to the respondent.

3. Sri. C.A. Chacko, the learned counsel appearing for the respondent submits that the custody has been granted to the -:3:- respondent after taking note of the interest and welfare of the children as well as various contentions put forth by both the parties.

4. On a perusal of the impugned order, we find that the learned Family Court Judge has meticulously considered various aspects and has also weighed the pros and cons of granting

custody of the children. Care has also been taken to give custody back to the mother from 28.4.2023 to 6.5.2023. Therefore, if at all the petitioner desires to take the children out for holiday, the intervening period mentioned above can be utilized for such a purpose.

Having regard to the aforesaid aspects, we do not find any reason to interfere with the impugned order. Accordingly, the original petition is dismissed. Sd/- BECHU KURIAN THOMAS sd/- DR. KAUSER EDAPPAGATH kp -:4:- APPENDIX OF OP (FC) 204/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE ORDER IN I.A NO 1 OF 2021 IN GOP NO 410 OF 2020 Exhibit P2 . TRUE COPY OF THE ORDER OF MAINTENANCE IN MP NO 413/2021 IN M.C NO 69/2020 Exhibit P3 TRUE COPY OF THE ORDER PASSED BY THE FAMILY COURT IRINJALAKUDA IN I.A. NO Exhibit P4 TRUE COPY OF THE UNDERTAKING ISSUED FROM THE SIDE RESPONDENT Exhibit P5 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE CHALAKUDY POLICE STATION ALONG WITH THE RECEIPT Exhibit P6 TRUE COPY OF THE RECEIPT ISSUED BY THE CHALAKUDY POLICE FOR THE COMPLAINT FILED BY THE PETITIONER Exhibit P7 TRUE COPY OF THE MEDICAL PRESCRIPTION ISSUED BY THE DOCTOR OF THE ST JAMES HOSPITAL CHALAKUDY Exhibit P8 TRUE COPY OF THE I.A NO 11 /2023 IN GOP NO 410/2020 FILED BY THE RESPONDENT Exhibit P9 TRUE COPY OF THE I.A NO 12 /2023 IN GOP NO 410/2020 FILED BY THE PETITIONER Exhibit P10 THE CERTIFIED COPY OF THE CERTIFIED COPY OF THE COMMON ORDER IN I.A 11/2023 AND FAMILY COURT IRJINALAKUDA

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