

Prasad K vs Deepika M

Prasad K vs Deepika M

SooperKanoon Citation : sooperkanoon.com/1364332

Court : Kerala

Decided On : Aug-07-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : OP(Crl.)/417/2023

Appellant : Prasad K

Respondent : Deepika M

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
MONDAY, THE 7TH DAY OF AUGUST 2023 / 16TH SRAVANA, 1945
OP(CRL.) NO. 417 OF 2023 CMP(EX)NO.224/2022 IN MC 321/2020 OF
FAMILY COURT, MALAPPURAM PETITIONER/RESPONDENT:
PRASAD K AGED 47 YEARS S/O. GANGADHARAN NAIR, KAKKATTIL
HOUSE, PANG, KURUVA, CHENDI DESOM, P.O. PERINTHALMANNA,
MALAPPURAM DISTRICT, PIN - 679328 BY ADV K.K.MOHAMED
RAVUF RESPONDENT/PETITIONER: DEEPIKA M AGED 32 YEARS
D/O.GOPALAN NAIR, MUNDATH HOUSE, PULAMANTHOLE AMSOM,
CHEMMALASSERY DESOM, KURUVAMBALAM, PERINTHALMANNA
TALUK, MALAPPURAM DISTRICT, PIN - 679323

BY ADVS. K.S.ARUN KUMAR SWARAJ M. NAIR(K/924/2004) VIJAY SANKAR V.H.(K/1368/2020) THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 07.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(Crl.) No.417/2023 2

JUDGMENT

Dated this the 7th day of August, 2023 In this matter, in view of the prayer in the main petition, this Court passed an interim order on 26.07.2023 as under : This original petition has been filed with the following prayers: (i) direct the Family Court, Malappuram to issue a Certified copy of the Order passed on 18.11.2022 in CMP (EX) No. 224/2022 in C.A.No. 878/2023 dated 10.3.2023.

(ii) stay all further proceedings pursuant to the Order dated 18.11.2022 in CMP (EX) No. Court Malappuram.

(iii) Petitioner also prays that this Honble Court may be pleased to dispense with the English translation of the documents produced in the Vernacular Language. And

(iv) Issue such other reliefs as deem fit and proper by this Honble Court in the facts and circumstances of the case. 2.Heard both sides.

3. The grievance of the petitioner is that, certified copy of the order passed on 18.11.2020 in CMP (EX) No. 224/2020 in C.A.No. 878/2023, dated 10.03.2023, was not issued.

4. Therefore, there shall be a direction

to the Family Court, Malappuram, to issue certified copy of the order within a period of 10 days without fail, if not already issued, if the petitioner furnishes necessary stamp papers and other steps for the issuance of the certified copy. Further proceedings in CMP (EX) No. for a period of 10 days alone and there shall be no stay thereafter.

OP(Crl.) No.417/2023 3

2. As per the report of the Family Court, the documents

sought for in C.A.No.1278 of 2023 is ready for delivery as on 05.08.2023. Therefore, the petitioner is at liberty to take copy and file appropriate petition to challenge the order, if he is interested. Holding so, this Original Petition stands disposed of. Sd/- A. BADHARUDEEN JUDGE csl OP(Crl.) No.417/2023 4 APPENDIX OF OP(CRL.) 417/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE EXECUTION PETITION CMP(EX) NO. 224/2022 IN M.C. NO. THE FAMILY COURT, MALAPPURAM ADDITIONAL DOCUMENTS Exhibit P2 A TRUE COPY OF THE COPY APPLICATION NO. CA 878/2023 IN CMP (EX) NO. 224/2022 DATED 10.05.2023 FILED BEFORE THE FAMILY COURT, MALAPPURAM Exhibit P3 TRUE COPY OF THE EMERGENT APPLICATION

DATED 10.5.2023 FILED BEFORE THE FAMILY COURT, MALAPURAM (FILED ALONG WITH EXHIBIT P-2 COPY APPLICATION) Exhibit P4 A TRUE COPY OF THE PROCEEDING NOTING DEFECTS BY THE FAMILY COURT, MALAPPURAM ON 15/5/2023 AND THE REPRESENTATION MADE BY ME ON 17/5/2023 IN CMP (EX) 224/2022

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