

Bindhu vs Ramabhadran,

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Court : Kerala

Decided On : Jun-12-2023

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

Appeal No. : OP (FC)/335/2023

Appellant : Bindhu

Respondent : Ramabhadran,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
MONDAY, THE 12TH DAY OF JUNE 2023 / 22ND JYAISHTA, 1945 OP (FC) NO. 335 OF 2023 AGAINST THE ORDER/JUDGMENT IN OP 29/2019 OF FAMILY COURT, PETITIONER/1ST RESPONDENT: BINDHU AGED 45 YEARS, D/O.PADMINI BINU NIVAS, AYILAM DESOM, MUDAKKAL VILLAGE, ATTINGAL DESOM, THIRUVANANTHAPURAM, PIN- 695101. BY ADV M.R.SARIN
RESPONDENTS/PETITIONER/2ND RSSPONDENT: 1
RAMABHADRAN, AGED 55 YEARS, S/O.SADANADAN, AMBADI,

PERETTIL, PERETTIL MOONGODE P.O, CHERUNNIYOOR, VARKALA TALUK, THIRUVANANTHAPURAM, 2 THE MANAGER IOB BANK, VARKALA BRANCH, THIRUVANANTHAPURAM,, BY ADVS. SUNIL SHANKAR A VIDYA GANGADHARAN(K/000424/2020) JERIN GEORGE(K/863/2023) THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 12.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(FC) No.335 of 2023 2 A.MUHAMED MUSTAQUE &

SOPHY THOMAS, JJ.

O.P (FC) No.335 of 2023 Dated this the 12th day of June, 2023

JUDGMENT

Sophy Thomas, J.

The petitioner/wife suffered an ex parte decree in O.P No.29 of 2019 on the file of Family Court, Attingal, filed by her husband, for a declaration that A schedule gold ornaments and B schedule documents belong to him and so, the respondents had to be directed to open the Bank locker to hand over those articles. She filed I.A No.1 of 2023 before Family Court, Attingal to set aside the ex parte decree. Meanwhile, the husband is proceeding to execute the decree for taking the gold ornaments and documents from the locker of the 2nd respondent-Indian Overseas Bank. So, she approached this Court for a direction to the Family Court to dispose I.A No.1 of 2023 within a time frame, and till then, for a direction to the 2nd respondent not to hand over the gold ornaments and documents to the 1st respondent. OP(FC) No.335 of 2023 3

2. Considering the nature of relief sought, no notice was sent to the respondents. Ext.P3 application filed by the original petitioner is pending

consideration of the Family Court, Attingal, for setting aside the ex parte decree in O.P No.29 of 2019. That petition was filed on 17.05.2023. We hereby direct the Family Court, Attingal, to dispose that application within a period of three weeks

from today and till such time, the 2nd respondent-Bank shall not hand over the gold ornaments and documents kept in locker No.524 of Indian Overseas Bank, Varkala Branch, to the 1st respondent or any other person claiming under him.

With these directions, above OPFC is disposed of. A.MUHAMED MUSTAQUE SOPHY THOMAS smp OP(FC) No.335 of 2023 4 APPENDIX OF OP (FC) 335/2023 PETITIONER EXHIBITS Exhibit THE TRUE COPY OF THE O.P NO 29/2019 FILED BY THE P1 1ST RESPONDENT HEREIN ON THE FILE OF FAMILY COURT ATTINGAL DATED 8/1/2019 Exhibit THE TRUE COPY OF THE JUDGEMENT PASSED BY THE P2 HON'BLE FAMILY COURT, ATTINGAL IN O.P NO 29/2019 DATED 13/12/2022 BEFORE HON'BLE FAMILY COURT, Exhibit . THE TRUE COPY OF THE I.A 1/2023 O.P NO 29/2019

P3 BEFORE HON'BLE FAMILY COURT, ATTINGAL DATED Exhibit THE TRUE COPY OF THE NOTICE ISSUED BY THE 2ND P4 RESPONDENT TO THE PETITIONER ON 24.04.2023 Exhibit THE TRUE COPY OF JUDGEMENT OP(FC) NO 257/2023 P5 DATED ON 26.05.2023 True Copy P.S to Judge smp

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