

Sreevidya vs Anurak

Sreevidya vs Anurak

SooperKanoon Citation : sooperkanoon.com/1376844

Court : Kerala

Decided On : Aug-01-2023

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

Appeal No. : OP (FC)/460/2023

Appellant : Sreevidya

Respondent : Anurak

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
OP (FC) NO. 460 OF 2023 AGAINST THE ORDER/JUDGMENTOP
1081/2023 OF FAMILY COURT,THRISSUR PETITIONER/
RESPONDENT IN O.P & RESPONDENT IN I.A SREEVIDYA AGED 30
YEARS D/O LATE UNIKRISHNAN POOVATHUMKADAVIL HOUSE
C/O. DEVAYANI SARATHCHANDRAN PATHATT HOUSE,
KOTHAKULAM DESOM VALAPPAD VILLAGE, VALAPPAD P.O
CHAVAKKAD TALUK, PIN - 680 567. BY ADV N.AJITH

RESPONDENT/PETITIONER IN O.P & PETITIONER IN I.A ANURAK
AGED 34 YEARS S/O. ANILKUMAR VANNERI HOUSE, ARIMPUR
DESOM VELUTHUR VILLAGE, THRISSUR TALUK, PIN - 680 012.
THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
01.08.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: OP(FC)No.460 of 2023 2

JUDGMENT

A.Muhamed Mustaque, J.

The petitioner is the mother of the child born in the wedlock with the respondent. The father filed original petition before the Family Court seeking permanent custody of the child. The Petitioner approached this Court apprehending adverse orders as the Family Court insisted production of the child without allowing the petitioner to raise objection.

2. In these circumstances, in the light of

nature of the order to be passed by us, we are of the view that the notice need not be issued to the respondent. If the Family Court has directed the petitioner to produce the child, there is nothing wrong with such an order. The Family Court can interact with the child and form an opinion. However, we make it clear that if an order of giving custody

of the child to the respondent is passed, that order

shall be issued to the petitioner and shall be enforced only after one week of issuing such order. OP(FC)No.460 of 2023 3 With the above direction, the Original Petition is disposed of. A.MUHAMED MUSTAQUE SOPHY THOMAS mus
OP(FC)No.460 of 2023 4 APPENDIX OF OP (FC) 460/2023 PETITIONER
EXHIBITS Exhibit P1 PETITION FILED BY THE RESPONDENT IN O.P COURT,
THRISSUR DATED 27.06.2023 Exhibit P2 AFFIDAVIT FILED BY THE
RESPONDENT IN O.P 1081/ 2023 ON THE FILE OF FAMILY COURT,
THRISSUR DATED 14.07.2023 Exhibit P3 TRUE COPY OF THE PROCEEDINGS

OF THE FAMILY COURT, THRISSUR ON 14.07.2023 IN O.P NO.1081/2023
EXTRACTED FROM COURT'S WEB SITE. Exhibit P4 MEDICAL CERTIFICATE
ISSUED BY THE DOCTOR DATED 18.07.2023

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