

Neethu Edwin Vs Staney Selvaraj

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice Amit Rawal, Honourable Mrs. Justice C.S. Sudha

Appeal No. : OP (FC)/577/2023

Appellant : Neethu Edwin

Respondent : Staney Selvaraj

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945 OP (FC) NO. 577 OF 2023 (OP 1898/2019 ON THE FILE OF FAMILY COURT, THIRUVANANTHAPURAM) PETITIONER/RESPONDENT: NEETHU EDWIN AGED 28 YEARS, D/O. MEENA MARY, 'EM HOUSE', T.C.33/576 (2), THIRUVANANTHAPURAM DISTRICT, REPRESENTED BY HER POWER OF ATTORNEY HOLDER, MEENA MARY, AGE 49, 'EM HOUSE', T.C.33/576 (2), THIRUVANANTHAPURAM DISTRICT., PIN - 695021 BY ADV SHAJIN S.HAMEED RESPONDENT/PETITIONER: STANEY SELVARAJ AGED 33 YEARS,

S/O. SELVARAJ FERNANDEZ, 'RAJ DALE', T.C.44/886 (10), VALIYATHURA, VALLAKKADAVU P.O., THIRUVANANTHAPURAM DISTRICT., PIN - 695008 THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: AMIT RAWAL & C.S.SUDHA, JJ.

----- Dated this the 31st day of
October, 2023

JUDGMENT

Amit Rawal, J.

The petitioner has approached this Court with the following prayer. a) To issue an order or direction, directing the Family Court, Thiruvananthapuram to dispose of O.P.No.1898/2019 as expeditiously possible within a time limit fixed by this Honorable Court. b) Such other direction or order this Honorable Court deem fit and proper according to the facts and circumstances in the case.

2. Petitioner had already submitted an application for expeditious

disposal and as per the case details and the proceeding of the case, the matter is listed for evidence. There is already a judgment by the Division Bench of this Court in Shiju Joy A. v. Nisha, 2021 (2) KLT 607 for vindicating the grievance of the affected party for expeditious disposal, wherein the following direction has been issued -

" C. ADVANCED HEARING: Family Courts are permitted to depart from the procedure aforementioned on a motion made by a party for early hearing of a case(s) for any justifiable or valid reason. If any party desires to move an application for early hearing, he/she shall move the Family Court at the first instance. The Family Court shall dispose of such application, as expeditiously as possible, at any rate within two weeks from the date of moving such application. It would be open to the Family

Court to pass orders on such applications in the chambers. This court need not entertain any Original Petitions, filed under Article 227 of the Constitution

of India, for early disposal of cases, unless the parties move the concerned Family Court at first instance."

3. Since the application has already been filed, we deem it appropriate to dispose of the petition by directing the trial court/family court to take a call on the application and pass an order in terms of the

judgment extracted above.

The O.P(FC) is disposed of as above. AMIT RAWAL C.S.SUDHA Jms APPENDIX OF OP (FC) 577/2023 PETITIONER EXHIBITS Exhibit-P1 TRUE COPY OF THE POWER OF ATTORNEY DATED 07/09/2019 EXECUTED BY THE PETITIONER IN FAVOR OF HER MOTHER. Exhibit-P2 TRUE COPY OF THE ORIGINAL PETITION O.P.NO.1898/2019 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM ON 07/08/2019. Exhibit-P3 TRUE COPY OF THE OBJECTION FILED BY THE

PETITIONER IN O.P.NO.1898/2019 ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM DATED 25/05/2023. Exhibit-P4 TRUE COPY OF PRINT OUT OF THE E-COURT

CASE DETAILS IN O.P.NO.1898/2019 OF THE

FAMILY COURT, THIRUVANANTHAPURAM. Exhibit-P5 TRUE COPY OF THE PETITION I.A.NO.2/2023 IN O.P.NO.1898/2019 DATED 31/07/2023 ON THE FILE OF THE FAMILY COURT, THIRUVANANTHAPURAM.

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