

Ajith Vijayan vs Deepa V.

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Court : Kerala

Decided On : Dec-05-2023

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

Appeal No. : Mat.Appeal/697/2023

Appellant : Ajith Vijayan

Respondent : Deepa V.

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 5TH DAY OF DECEMBER 2023 / 14TH AGRAHAYANA, MAT.APPEAL NO. 697 OF 2023 MEMORANDUM OF MATRIMONIAL APPEAL FILED UNDER SECTION 19 OF THE FAMILY COURTS ACT, 1984 AGAINST THE ORDER DATED FILES OF THE FAMILY COURT, MAVELIKKARA) APPELLANT/RESPONDENT IN R.P./PETITIONER IN O.P(HMA):: AJITH VIJAYAN, AGED 47 YEARS, S/O VIJAYAN, KOTTINATTU VADAKKETHIL HOUSE, KANNAMBALLY BHAGOM MURI, KEERIKKAD VILLAGE, ALAPPUZHA, PIN - 690502 GEORGE VARGHESE(PERUMPALLIKUTTIYIL) MANU SRINATH NIMESH

THOMAS RESPONDENT/PETITIONER IN R.P./RESPONDENT IN
O.P(HMA): DEEPA V. AGED 36 YEARS, D/O VASUDEVAN,
PUTHENKANDATHIL VEEDU, CHERAVALLY MURI, KAYAMKULAM
VILLAGE, ALAPPUZHA, PIN - 690537 RINNY STEPHEN
CHAMAPARAMPIL ASHA ELIZABETH MATHEW(K/1557/2003)
ANJANA S.(K/1828/2021) THIS MATRIMONIAL APPEAL HAVING
COME UP FOR FINAL HEARING ON 05.12.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: AMIT RAWAL &
C.S.SUDHA, JJ. -----

----- Dated this the 5th day of
December, 2023

JUDGMENT

Amit Rawal, J.

Learned counsel for the petitioner submitted that the respondent/wife in a divorce petition filed by the appellant/husband seeking divorce had absented after appearance and thereafter when ex- parte proceedings were set aside, again absent, which resulted in to grant of ex-party divorce by judgment and decree dated 28/01/2021. After the aforementioned judgment, the petitioner has already contracted second marriage and no useful purpose would be served to permit the wife to contest the petition on merits.

2. We have heard learned counsel for the appellant and

appraised the paper book and of the view that the order passed by the trial court by setting aside the ex-parte decree does not give rise to any challenge. Owing to the supervening facts as disclosed to us during the course of the hearing regarding the contraction of the marriage, we feel that by upholding the order under challenge the appeal can be disposed of by issuing directions to the trial court to decide O.P.No.1119/2017 on merits in accordance with law within a period six months from the date of receipt of the certified copy of this judgment. Appeal stands disposed off. AMIT RAWAL JUDGE C.S.SUDHA Jms JUDGE