

Sunitha.S.Bhat vs R. Prashanthkumar

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Court : Kerala

Decided On : Oct-30-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : OP(Crl.)/766/2023

Appellant : Sunitha.S.Bhat

Respondent : R. Prashanthkumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945
OP(CRL.) NO. 766 OF 2023 AGAINST THE ORDER/JUDGMENT IN
CMP 2495/2022 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
MATTANCHERY PETITIONER/RESPONDENT: SUNITHA.S.BHAT
AGED 53 YEARS D/O. M.S. BHAT, NEAR OLD SIVA TEMPLE,
KERALESHWAR LANE, SOUTH CHERALAI, KOCHI, PIN - 680002 BY
ADV MANU ROY RESPONDENT/RESPONDENT: R.
PRASHANTHKUMAR AGED 61, S/O. LATE RAYA SHENOI, '67/713,
NEAR COLLIN TRAVELS, KOLLAPPILLIL LANE, ERNAKULAM
NORTH, POWER HOUSE EXTENSION ROAD, KOCHI, PIN - 682018

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 30.10.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

----- Dated this the 30th day of October, 2023

JUDGMENT

This original petition (criminal) is filed with the following prayers:- 1.] Direct the Judicial First class Magistrate court, Mattanchery, to take coercive steps against the respondent in the matter and thereby dispose of Ext.P4 petition within the time frame that may be fixed by this Hon'ble Court. 2] Issue such other writ, order or direction as this Hon'ble court deem. (SIC).

2. When this original petition (criminal) came up for

consideration, this Court directed the Registry to get a report from the Judicial First Class Magistrate Court, Mattancherry about the time required to dispose the case. A detailed report is submitted by the learned Magistrate. The relevant portion of the same is extracted hereunder:-

4. As regards the time for disposal of this petition the petitioner has not mentioned the mode of execution in the petition. The petitioner has not produced the order of the Hon'ble Family Court before this court along with the petition. The time required for the disposal of this petition depends on the mode of execution sought by the petitioner. Hence, 6 months may be granted for the disposal of this petition.

3. The petitioner will produce the relevant orders of

the Family Court also before the Trial court. In the light of the report of the learned Magistrate, this original petition (criminal) can be disposed of. I make it clear that, I have not considered the merit of the case and the learned Magistrate is free to pass appropriate orders in accordance to law. Therefore, this original petition (criminal) is disposed of directing the Judicial First Class Magistrate Court, Mattancherry to dispose CMP.No.2495/2022 in MC No.13/2018, as expeditiously as possible, at any rate, within six months from the date of receipt of a certified

copy of this judgment.

Sd/- JUDGE bng APPENDIX OF OP(CRL.) 766/2023 PETITIONER EXHIBITS
Exhibit P1 TRUE COPY OF COMPLAINT DATED 29-06-18 FILED AS M.C NO:
13/2018 IN THE JFCM COURT, MATTANCHERY Exhibit P2 TRUE COPY OF
THE MEDIATION AGREEMENT DATED 17-12-2018 OF THE MEDIATION SUB
CENTER, KOCHI Exhibit P3 TRUE COPY OF JUDGMENT IN O.P NO: 509/21
DATED 24-08-2021 OF THE FAMILY COURT, ERNAKULAM Exhibit P4 TRUE
COPY OF THE PETITION DATED 21-10- 22 FILED AS C.M.P. NO: 2495/22 IN
MC Exhibit P5 TRUE COPY OF THE OBJECTION FILED BY THE
RESPONDENT DATED 31.07.2023

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