

Arya Krishnan vs Nikhil Krishnan

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Court : Kerala

Decided On : Nov-22-2023

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

Appeal No. : OP (FC)/660/2023

Appellant : Arya Krishnan

Respondent : Nikhil Krishnan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MRS. JUSTICE C.S. SUDHA WEDNESDAY, THE 22ND DAY OF NOVEMBER 2023 / 1ST AGRAHAYANA, 1945 AGAINST THE ORDER/JUDGMENT IN OP(OTHERS) 156/2020 OF FAMILY COURT, KOTTARAKKARA

PETITIONER(S)/PETITIONERS: 1 ARYA KRISHNAN AGED 31 YEARS POOVANNAL HOUSE, PARAMKODU MURI, ELAMADU VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT, PIN - 691520 2 NIYA PILLAI AGED 5 YEARS REPRESENTED BY HER MOTHER, THE 1ST PETITIONER, ARYA KRISHNAN, POOVANNAL HOUSE, PARAMKODU MURI, ELAMADU VILLAGE, KOTTARAKKARA TALUK, KOLLAM

DISTRICT, PIN - 691520 BY ADVS. N.MANU THAMPI ABHILASH S.FRANCIS RESPONDENT(S)/RESPONDENT: 1 NIKHIL KRISHNAN AGED 37 YEARS NIKHIL NIVAS, PRIYADARSHINI NAGAR, PULAMON MURI, PULAMON P.O., KOTTARAKKARA VILLAGE, 2 UDAYA KUMAR NIKHIL NIVAS, PRIYADARSHINI NAGAR, PULAMON MURI, PULAMON P.O., KOTTARAKKARA VILLAGE, 3 VASANTHA KUMARI NIKHIL NIVAS, PRIYADARSHINI NAGAR, PULAMON MURI, PULAMON P.O., KOTTARAKKARA VILLAGE, 4 NAYANA SARATH CHITHIRA, PADINJATTINKARA MURI, KOTTARAKKARA VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT, PIN - 691531 THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 22.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Amit Rawal, J.

The petitioner has approached this Court with the following prayer. (I) Direct the Family Court, Kottarakkara to dispose of O.P.(HMA) No.412/2020 & O.P.(Ors.) No.156/2020) within a time frame decided by this Honble Court in the interest of justice.

(ii) Issue such other writ or direction which this Honorable Court deem fit and proper on the facts and circumstances of the case and interest of justice.

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. Sd/- AMIT RAWAL JUDGE Sd/- C.S. SUDHA JUDGE nak APPENDIX OF OP (FC) 660/2023 PETITIONER EXHIBITS Exhibit-P1 TRUE COPY OF THE PETITION, O.P. (HMA) NO. BEFORE THE FAMILY COURT, KOTTARAKKARA DATED 14.10.2020 Exhibit-P1(a) THE TRUE ENGLISH TRANSLATION OF EXHIBIT- P1 Exhibit-P2 TRUE COPY OF THE PETITION, O.P. (ORS) NO. PETITIONERS BEFORE THE FAMILY COURT, KOTTARAKKARA DATED 18.06.2020 Exhibit-P2(a) THE TRUE ENGLISH TRANSLATION OF EXHIBIT- P2 Exhibit-P3 TRUE COPY OF THE AFFIDAVIT & PETITION FILED BY THE PETITIONERS DATED 20.10.2023 Exhibit-P3(a) THE TRUE ENGLISH TRANSLATION OF THE EXHIBIT-P3

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