

Thomas P Philip vs Somy Thomas (Corrected)

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Court : Kerala

Decided On : Jul-06-2023

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

Appeal No. : OP (FC)/722/2022

Appellant : Thomas P Philip

Respondent : Somy Thomas (Corrected)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
THURSDAY, THE 6TH DAY OF JULY 2023 / 15TH ASHADHA, 1945
AGAINST THE ORDER IN OP 301/2017 OF FAMILY COURT,
THODUPUZHA PETITIONER/RESPONDENT:

THOMAS P PHILIP AGED 75 YEARS S/O.PHILIP, C2-KRISHNAPRABHA APARTMENTS, CANAL ROAD, THOTTAKKATTUKARA, ALUVA, 683108, NOW RESIDING AT 1682, VILLAGE VIEW PLACE MISSISSAUGA/L5M3V3, ONTARIO, CANADA

(REPRESENTED BY POWER OF ATTORNEY HOLDER RAMACHANDRAN C.R., S/O RAMAN MENON, AGED 53 YEARS, RESIDING AT ASWATHI NIVAS, PANDATHIL ROAD, EROOR NORTH P.O., THRIPIUNITHURA 682306), PIN - 683108 BY ADVS. MANU GOVIND A.JAYASANKAR

RESPONDENT/PETITIONER: SOMY THOMAS (CORRECTED) AGED 60 YEARS D/O. THOMAS, KANNAMKUZHIYIL HOUSE, UDUMBANOOR P.O., UDUMBANNOOR VILLAGE, THODUPUZHA TALUK 685595. ADDRESS OF RESPONDENT IS CORRECTED AS SONY THOMAS, D/O.THOMAS, FLAT NO.C2, FIRST FLOOR, KRISHNAPRABHA APARTMENTS, CANAL ROAD, THOTTAKKATTUKARA, ALUVA-683 108. AS PER

ORDER DATED 10/02/2023 IN IA NO.1/2023 IN OP(FC)

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 06.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -
2-

JUDGMENT

A.Muhamed Mustaque,J.

The petitioner is currently residing at Canada. The dispute between the petitioner and the respondent is now pending before the Family Court, Thodupuzha, in O.P.No.301/2017 and connected matters.

2. In view of the fact that the petitioner is

unable to come down to India, petitioner shall be permitted to adduce evidence online. Sufficient time should be given to the petitioner to adduce evidence. Though notice was served on the Counsel for the respondent, none appeared. The Original Petition is disposed of accordingly. A.MUHAMED MUSTAQUE SOPHY THOMAS uu -3- APPENDIX OF OP (FC) 722/2022 PETITIONER

EXHIBITS Exhibit P1 TRUE COPY OF THE ORIGINAL PETITION (OP NO. 301 OF 2017) FILED BEFORE THE FAMILY COURT, THODUPUZHA Exhibit P5 TRUE COPY OF THE ORDER DATED 07.12.2022 IN OP (DIV) NO. 317 OF 2022 ON THE FILE OF FAMILY COURT, THODUPUZHA Exhibit P2 TRUE COPY OF THE ORDER DATED 04.11.2020 IN MC NO.35 OF 2018 OF JFCM-I ALUVA Exhibit P3 TRUE COPY OF THE CHIEF AFFIDAVIT FILED IN OP (RM) 301 AND OP(DIV) 317 OF 2017 Exhibit P4 TRUE COPY OF THE APPLICATION ALONG WITH THE AFFIDAVIT FILED IN OP (DIV) NO. 317 OF 2017

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