

Sulochanan vs Prabha

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Court : Kerala

Decided On : Apr-06-2022

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

Appeal No. : OP (FC)/30/2022

Appellant : Sulochanan

Respondent : Prabha

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
WEDNESDAY, THE 6TH DAY OF APRIL 2022 / 16TH CHAITHRA, 1944
AGAINST THE ORDER DATED 20.09.2021 IN I.A.NO.7/2021 IN
OPHMA PETITIONER/PETITIONER/MAIN PETITIONER:
SULOCHANAN, AGED 58 YEARS S/O. LATE GOVINDAN ACHARI,
PARVATHY SADANAM, THAZAKKARA POST, ALAPPEY DISTRICT -
690 102. BY ADV SREEHARI INDUKALADHARAN
RESPONDENT/RESPONDENT/MAIN RESPONDENT:

PRABHA, AGED 44 YEARS D/O. MEENAKSHI AMMA, PALATHITTA VEETIL, PODIYADI, THIRUVALLA POST, ALEPPEY - 689 101., REPRESENTED BY POWER OF ATTORNEY HOLDER MOTHER MEENAKSHI AMMA, AGED 68, RESIDING AT KAILASAM (PALATHITTA THEKKETHIL), PADINJATTUM MURI, PODIYADI P.O., NEDUMPRAM VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, KERALA STATE. BY ADV K.N.RADHAKRISHNAN(THIRUVALLA) THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 06.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

A.Muhammed Mustaque, J.

This original petition was filed as the Family Court refused to re-open the evidence to mark certain documents.

2. Learned counsel for the petitioner submits that, he had to engage a new counsel as his earlier counsel did not produce the documents which were entrusted to him. The Family Court dismissed the application stating that, this is to fill up lacuna of the evidence already adduced.

3. Having considered the facts and circumstances,

we are of the view that, for the limited purpose of marking the documents, the evidence can be reopened and the petitioner can be examined and all the documents can be received on evidence subject to proof and to the limited extent of proving the documents, the petitioner can be allowed to be re-examined. It is made clear that, the re-examination and marking of the documents is confined only to the aspects referred as above. The respondent also is permitted to cross examine him relating to the aspects as above. The original petition is disposed of as above. Sd/- A.MUHAMED MUSTAQUE, JUDGE Sd/- SOPHY THOMAS, JUDGE AS APPENDIX OF OP (FC) 30/2022 PETITIONER EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE OP(HMA) 515/2015 BEFORE EXHIBIT

FAMILY COURT THIRUVALLA. EXHIBIT P6 TRUE COPY OF THE OP 536/2015
BEFORE FAMILY COURT THIRUVALLA.

EXHIBIT P7 TRUE COPY OF THE OP 161/2017 BEFORE EXHIBIT P8

21.10.2020 BEFORE FAMILY COURT EXHIBIT P11 TRUE COPY OF THE
AFFIDAVIT AND PETITION IN I.A.NO.7/2021 BEFORE FAMILY COURT EXHIBIT
P12 TRUE COPY OF THE ORDER IN I.A.NO.7/2021 DATED 20.09.2021
BEFORE FAMILY COURT

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