

Abdul Fajaz vs Abida Abdulla

Abdul Fajaz vs Abida Abdulla

SooperKanoon Citation : sooperkanoon.com/1491321

Court : Kerala Orders

Decided On : Oct-06-2022

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : OP (FC)/353/2022

Appellant : Abdul Fajaz

Respondent : Abida Abdulla

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944 O.P.(FC) NO. 353 OF 2022 IN O.P.NO.108 OF 2022 OF THE FAMILY COURT, KASARAGOD PETITIONER:

ABDUL FAJAZ AGED 38 YEARS, S/O. ABDUL JABBAR, EMPLOYED ABROAD, RESIDING AT 'FAJ MAHAL', CHECK POST ROAD, KANNOTHUMCHAL P.O., THANA-670012, KANNUR-1 AMSOM, KANNUR KARAR DESOM, KANNUR TALUK AND DISTRICT,

REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, ABDUL JABBAR P.P., S/O. ADAMKUTTY, AGED 64, FAJ MAHAL, CHECK POST ROAD, KONNATHUMCHAL, THANE PO. KANNUR-670012. BY ADVS. R.S.KALKURA M.S.KALESH R.BINDU HARISH GOPINATH P.I.NAJUMAL HUSSAIN SILPA S.

RESPONDENT: ABIDA ABDULLA AGED 33 YEARS, D/O. KUNHABDULLA, THEKKE PURAYIL, RESIDING AT 'ASHIYANA', NEAR MRVHS SCHOOL, PADANNA P.O., PADANNA AMSOM DESOM, HOSDURGUE TALUK, KASARGOD DISTRICT, PIN - 671312. BY ADVS. S.SREEKUMAR (SR.) RAHUL SASI NEETHU PREM VIVEK.P.K MANU K. MURALI THIS OP (FAMILY COURT) HAVING COME UP FOR FINAL HEARING ON 06.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Ajithkumar, J.

The petitioner has filed O.P.No.1190 of 2019 before the Family Court, Kannur seeking permanent custody of his minor son, namely, Fadi Fajaz, aged 7 years. Subsequently, that original petition was transferred to the Family Court, Kasaragod and re-numbered as O.P.No.108 of 2022. This Original Petition is filed under Article 227 of the Constitution of India seeking an order granting interim custody of the minor child to the petitioner during the pendency of O.P.No.108 of 2022.

2. On 17.06.2022, the Original Petition was admitted to file and service of notice on the respondent was directed.

3. Today, when this matter came up for

consideration, the learned counsel appearing for the petitioner submitted that the petitioner does not intend to pursue the matter further, and therefore, this Original Petition may be dismissed as withdrawn. Recording the above submission made by the learned counsel for the petitioner, this Original Petition is dismissed as

withdrawn. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE
dkt APPENDIX OF OP (FC) 353/2022 PETITIONER EXHIBITS Exhibit P1 TRUE
COPY OF THE PETITION SUBMITTED BY

THE PETITIONER AS O.P. 1190 OF 2019 ON THE FILE OF FAMILY COURT,
KANNUR TRANSFERRED AND RE-NUMBERED AS O.P. 108 OF 2022 ON THE
FILE OF THE FAMILY COURT, KASARGOD Exhibit P2 TRUE COPY OF THE
COUNTER STATEMENT DATED 25.01.2021 IN OP 1190 OF 2019 ON THE FILE
OF THE FAMILY COURT, KANNUR Exhibit P3 TRUE COPY OF THE I.A. 1564
OF 2019 DATED 31.10.2019 FOR INTERIM CUSTODY OF THE CHILD FILED
BY THE PETITIONER IN O.P. 1190 OF 2019 ON THE FILE OF THE FAMILY
COURT, KANNUR

Exhibit P4 TRUE COPY OF THE PSYCHOLOGIST REPORT SUBMITTED BY
DR. E.D. JOSEPH DATED 14.11.2019 IN RESPECT OF THE MINOR CHILD OF
THE PETITIONER Exhibit P5 TRUE COPY OF THE I.A. NO 13 OF 2021 DATED
31.05.2021 IN O.P. 1190 OF 2019 ON THE FILE OF THE FAMILY COURT,
KANNUR Exhibit P6 TRUE COPY OF THE VOICE NOTE BY ISIS APPEARING
IN THE NEWSMINUTE.COM Exhibit P7 TRUE COPY OF THE ARTICLE DATED
27.02.2018 APPEARING IN THE DECCAN CHRONICLE Exhibit P8 TRUE COPY
OF THE ARTICLE APPEARING IN REDIFF NEWS UNDER THE HEAD "ISIS
KERALA CONNECTION" BY ONE STANLY JOHNY DATED 20.04.2018 Exhibit
P9 TRUE COPY OF THE I.A NO 5 OF 2022 IN O.P. 108 OF 2022 ON THE FILE
OF THE FAMILY COURT, KASARGOD Exhibit P10 TRUE COPY OF THE
ORDER DATED 09.05.2022 IN I.A NO 5 OF 2022 IN O.P. 108 OF 2022 ON THE
FILE OF THE FAMILY COURT, KASARGOD

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com