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Ambili K vs Pradeep

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SooperKanoon Citation : sooperkanoon.com/1563401

Court : Kerala

Decided On : Feb-01-2022

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

Appeal No. : OP (FC)/627/2021

Appellant : Ambili K

Respondent : Pradeep

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS TUESDAY, THE 1ST DAY OF FEBRUARY 2022 / 12TH MAGHA, 1943 OP (FC) NO. 627 OF 2021 AGAINST THE ORDER IN IA 3/2020 IN GOP 1783/2020 OF FAMILY COURT,THRISSUR PETITIONER/RESPONDENT: AMBILI K AGED 42 YEARS D/O KUMARI, OOTTUMADATHIL HOUSE, NENMINI DESOM, GURUVAYOOR VILLAGE, NENMINI POST, CHAVAKKAD TALUK, THRISSUR DISTRICT-680104. BY ADVS. VINAYA V.NAIR K.ANITHA JOHN RESPONDENT/PETITIONER: 1 PRADEEP AGED 52 YEARS

S/O BALAN, PANIKKASSERY HOUSE, ENGANDIYUR VILLAGE AND DESOM, KUNDALIYUR POST, CHAVAKKAD, THRISSUR- 680161. REPRESENTED BY MOTHER AND POWER OF ATTORNEY HOLDER, AMARAVATHY, AGED 78 YEARS, W/O BALAN, PANIKKASSERY HOUSE, ENGANDIYUR VILLAGE AND DESOM, KUNDALIYUR POST, CHAVAKKAD, THRISSUR-680161. 2 AMARAVATHY AGED 78 YEARS W/O BALAN, PANIKKASSERY HOUSE, ENGANDIYUR VILLAGE AND DESOM, KUNDALIYUR POST, CHAVAKKAD, THRISSUR-680161. THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 01.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: A.MUHAMED MUSTAQUE &

SOPHY THOMAS, JJ.

---------- Dated this the 01st day of February, 2022

JUDGMENT

A.Muhammed Mustaque, J.

This Original Petition was filed aggrieved by an order

directing the petitioner to produce a minor child before the Family Court, Thrissur on every second Saturday in order to enable the respondents to a free interaction with the child.

2. Though notice has been served on respondents, none

appears. The respondents moved an application for interim custody in G.O.P.No.1783/2020. The first respondent is the father and the second respondent is the paternal grandmother. The marriage between the petitioner and the first respondent has been dissolved as per the order in O.P.No.449/2007 on mutualconsent.

3. The child would attain majority on 06.02.2022. The

Date of Birth of the child is 07.02.2004. In view of the fact that the child will attain majority on 06.02.2022, we find no reason to interfere with this matter in as much as that the daughter of the petitioner can decide in regard to her own future. We direct the Family Court, Thrissur to re-schedule the case to the nearest date and pass appropriate orders taking note of the age of the child. Sd/-A.MUHAMED MUSTAQUE, JUDGE Sd/-SOPHY THOMAS, JUDGE lsn APPENDIX PETITIONER'S EXHIBITS: EXT.P1: COPY OF THE GOP 1783/2020 FILED BY THE RESPONDENT.

EXT.P2: COPY OF THE I.A. NO.03/2020 IN GOP NO.1783/2020 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, THRISSUR CLAIMING INTERIM CUSTODY OF THE CHILD. EXT.P3: COPY OF THE OBJECTIONS FILED BY THE PETITINER AGAINST EXT.P2. EXT.P4: COPY OF THE ORDER DATED 17.04.2021 IN I.A. 3/2020 IN GOP NO.1783/2020. RESPONDENTS EXHIBITS: NIL TRUE COPY P.A TO JUDGE LSN

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