

Deepthi, vs Bijoy,

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Court : Kerala

Decided On : Mar-31-2021

Judge : Honourable Mr. Justice a.Muhamed Mustaque,Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP (FC)/203/2021

Appellant : Deepthi,

Respondent : BIJOY,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943 OP (FC).No.203 OF 2021 AGAINST THE ORDER DATED 19.2.2021 IN 1/2020 IN OP 880/2015 OF FAMILY COURT, IRINJALAKUDA PETITIONER/PETITIONER/PETITIONER: DEEPTHI, AGED 38 YEARS W/O. THAYAVALLIYIL BIJOY, D/O. THATTUPARAMBIL VASU, PAZHAYANNUR DESOM AND P.O, VADAKKETHARA VILLAGE, THALAPPILLY TALUK, THRISSUR DISTRICT. BY ADVS. SHRI.SANTHOSH P.PODUVAL SMT.R.RAJITHA

SMT.CHITHRA.S.BABU

SRI.R.N.SANDEEP

RESPONDENTS/RESPONDENTS/RESPONDENTS: 1 BIJOY, AGED 42 YEARS S/O. THAYAVALLIYIL SUKUMARAN, KOOLIMUTTOM P.O AND 2 SUKUMARAN, AGED 76 YEARS S/O. THAYAVALLIYIL ANDI, KOOLIMUTTOM P.O AND DESOM, VILLAGE AND DESOM, KODUNGALLUR TALUK, THRISSUR 3 SUJATHA, AGED 71 YEARS W/O. THAYYAVALLIYIL SUKUMARAN, KOOLIMUTTOM P.O AND THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31.03.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of March 2021 A.MUHAMED MUSTAQUE, J This original petition was filed challenging the dismissal of the application filed in O.P.No.880/2015 for amendment. The above original petition was filed for recovery of gold ornaments by the wife against the husband

and relatives.

The proposed amendment is to incorporate

belatedly.

2. The learned counsel for the respondents submits that in order to lift the attachment before judgment, they furnished security for the claim amount and the present attempt is only to force the respondents to furnish additional security.

3. We find no reason to decline the prayer for amendment as no prejudice will be caused to the respondents. However, on account of the said amendment, the respondents shall not be forced to furnish additional security.

Accordingly, the impugned order is set aside. The application for amendment in O.P.No.880/2015 is allowed. The amendment shall be carried out within a week. The O.P.

(FC) is disposed of

A.MUHAMED MUSTAQUE JUDGE DR. KAUSER EDAPPAGATH kp True copy
JUDGE P.A. To Judge APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE
COPY OF PETITION IN O.P 880/15 BEFORE THE FAMILY COURT,
IRINJALAKUDA EXHIBIT P2 TRUE COPY OF COUNTER IN O.P 880/15
BEFORE THE FAMILY COURT, IRINJALAKKUDA EXHIBIT P3 TRUE COPY OF
I.A 1/2020 IN O.P 880/15 BEFORE THE FAMILY COURT, IRINJALAKKUDA
EXHIBIT P4 TRUE COPY OF COUNTER IN IA 1/2020 IN O.P EXHIBIT P5 TRUE
COPY OF ORDER DATED 19-2-2021 IN IA

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