

**Tinu Joseph, vs Nil**

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**SooperKanoon Citation :** [sooperkanoon.com/1655366](https://sooperkanoon.com/1655366)

**Court :** Kerala

**Decided On :** Jul-22-2021

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

**Appeal No. :** OP (FC)/357/2021

**Appellant :** Tinu Joseph,

**Respondent :** NIL

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH THURSDAY, THE 22ND DAY OF JULY 2021 / 31ST ASHADHA, 1943 AGAINST THE ORDER/JUDGMENT IN OPDIV 1340/2019 OF FAMILY COURT, PATHANAMTHITTA, PATHANAMTHITTA PETITIONERS/PETITIONERS:

1. TINU JOSEPH, AGED 37 YEARS, S/O C.K. JOSEPH, CHERIYAKIDANGELIL HOUSE, KURUNGAZHA P.O, PULLAD, THIRUVALLA TALUK, PATHANAMTHITTA 689 548

2. ROSHAN THOMAS, AGED 32 YEARS, D/O THOMAS,

KRIPA BHAVAN, ELAMANNOOR P.O, MANGADU, EZHAMKULAM, ADOOR TALUK, PATHANAMTHITTA 691 BY ADVS. MANU RAMACHANDRAN M.KIRANLAL R.RAJESH (VARKALA) T.S.SARATH SAMEER M NAIR RESPONDENTS/RESPONDENTS: NIL THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 22.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

## **JUDGMENT**

A.Muhammed Mustaque, J The petitioners are the petitioners in O.P (Div) No. 1340 of 2019 on the file of the Family court, Pathanamthitta.

2. They filed the petition under Sec.10A of

the Divorce Act, 1869 for divorce on mutual consent. The petitioners are christian by faith and their marriage was solemnized on 29.09.2014 as per the religious rites of Christianity at St.Johns Orthodox Syrian Church, Memala, Vennikulam, Pathanamthitta. The petitioners are working in Qatar. They have come down to India with a hope that their case will be taken and disposed of.

3. There is no presiding officer in the Family

Court, Pathanamthitta. The matters are being taken up in the Family Court, Thiruvalla. They may have to go back to Qatar at any moment. Since they apprehend ..3.. that the case will not be taken up in the Family Court, Thiruvalla, they approached this Court with this original petition.

4. We interacted with the petitioners

virtually. They are educated individuals and they are firm in their decisions. Adv.Sri. Manu Ramachandran, the learned counsel for the petitioners, identified them. They are living separately from 15.02.2016 onwards. We are satisfied with their bona fide intention to separate mutually. In the light of interaction we had, there need not be any further interaction by the Family Court. We record the statements made by the petitioners virtually for separation by mutual consent.

5. In light of facts and circumstances, we

dispose of this original petition with the following directions: i. O.P (Div) No.1340 of 2019 on the file of the Family Court, Pathanamthitta shall be transferred to the Family Court, Thiruvalla. ii. In the light of the interaction we had with ..4.. the parties, the Family Court, Thiruvalla is directed to pass a decree of divorce on mutual consent without insisting further presence of the parties before the Family Court. iii. Appropriate orders shall be passed within a period of four weeks. Sd/- A.MUHAMED MUSTAQUE JUDGE Sd/- DR. KAUSER EDAPPAGATH JUDGE PR ..5.. APPENDIX OF OP (FC) 357/2021 PETITIONER ANNEXURE Exhibit P1 THE TRUE COPY OF THE O.P(DIV)NO.1340 OF 2019 ON THE FILES OF FAMILY COURT, PATHANAMTHITTA. Exhibit P2 THE TRUE COPY OF THE CASE-STATUS OF O.P(DIV)NO.1340 OF 2019 ON THE FILES OF FAMILY COURT, PATHANAMTHITTA FROM e-COURTS DOMAIN.

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