

Ramakrishna Babu vs Bindhu

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Court : Kerala

Decided On : Oct-01-2021

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

Appeal No. : OP (FC)/460/2021

Appellant : Ramakrishna Babu

Respondent : Bindhu

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 AGAINST THE ORDER/JUDGMENT IN OP 761/2019 OF FAMILY COURT, ATTINGAL, THIRUVANANTHAPURAM

PETITIONER: RAMAKRISHNA BABU, AGED 60 YEARS, S/O. RAMAKRISHNAN, ARAPPURA VEEDU, MANCHADIMMOODU, CHIRAYINKEEZHU, CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM DISTRICT-695 101. BY ADV J.JAYAKUMAR
RESPONDENT: BINDHU, AGED 50 YEARS, D/O. DEVARAJAN,

GANGA, NEAR INDIAN OVERSEAS BANK, VARKALA VILLAGE, VARKALA POST, VARKALA TALUK, THIRUVANANTHAPURAM DISTRICT, PIN-695 141. THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 01.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

A.Muhammed Mustaque, J

This original petition was filed seeking expeditious disposal of O.P No.761 of 2019 pending before the Family Court, Attingal. The learned counsel for the petitioner submits that the petitioner had moved an application for advance hearing and that has not been taken up. This Court called for a report. The report indicates that though interlocutory application was filed, there was no representation on the side of the petitioner for pressing for hearing.

2. A Division Bench of this Court in [Shiju Joy v. Nisha

(2021 (2) KLT 607)] had issued necessary guidelines for disposal of matters pending before the Family Court. It is open for the Family Court to depart seniority of such cases for any valid reasons. The Division Bench had also referred to consideration of advance hearing petitions by the Family Court in a time bound manner. If the Family Court is of the view that there is no

reasons to depart from seniority for disposal of cases, the Family Court can reject such requests. Such order shall be passed in the chamber itself. It is for the Family Court to consider whether the matter has to be considered on any priority basis or not. If the Family Court is of the view that no priority has to be accorded, it shall follow the seniority of such cases for disposal. However, in case, any party cannot appear physically before the Family Court, such party shall be allowed to adduce evidence through Online. We do not find any reason to issue any direction for early

disposal of the case. It is for the Family Court to consider the advance hearing petition. This original petition is disposed of as above.

A.MUHAMED MUSTAQUE DR. KAUSER EDAPPAGATH PR APPENDIX OF OP (FC) 460/2021 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE O.P.NO.761/2019 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, ATTINGAL. Exhibit P2 TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENT IN O.P.NO.761/2019 BEFORE THE FAMILY COURT, ATTINGAL. Exhibit P3 TRUE COPY OF THE ORDER DATED 6.6.2021 IN OP(FC) NO.1591/2021 OF THIS HON'BLE COURT. Exhibit P4 TRUE COPY OF THE COMPROMISE PETITION I.A.NO.13436/2011 IN OP(FC) NO.1591/2011 FILED BEFORE THIS HON'BLE COURT. Exhibit P5 TRUE COPY OF THE JUDGMENT DATED 16.8.2011 IN OP(FC) NO.1591/2011 OF THIS HON'BLE COURT. Exhibit P6 TRUE COPY OF THE I.A.NO.1/2021 IN Exhibit P7 TRUE COPY OF THE I.A.NO.2/2021 IN

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