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Ismail, vs Sulfi,

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Court : Kerala

Decided On : Jan-31-2019

Judge : Honourable Mr.Justice C.K.Abdul Rehim,Honourable Mr.Justice T.V.Anilkumar

Appeal No. : OP (FC)/27/2019

Appellant : Ismail,

Respondent : SULFI,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM & THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR THURSDAY ,THE 31ST DAY OF JANUARY 2019 / 11TH MAGHA, 1940 OP (FC).No. 27 of 2019 AGAINST THE ORDER/JUDGMENT IN OPGW 883/2018 of FAMILY COURT, KOTTARAKKARA PETITIONER/S: ISMAIL, AGED 36 YEARS MYTHEEN SHERIEF, ISMAIL MANZIL, VALACODU VILLAGE, PUNALUR TALUK, KOLLAM- 691305. BY ADVS.SRI.VINAY RAMDAS SMT.K.B.ANAMIKA RESPONDENT: SULFI, AGED 30 YEARS, D/O.NABEESATHU, RAFI ANEESE MANZIL, PATHANAPURAM VILLAGE AND THALUK, KOLLAM- 689695. THIS OP (FAMILY COURT)

HAVING COME UP FOR ADMISSION ON 31.01.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -:2:-

J U D G M E N T

C.K.ABDUL REHIM, J.

Learned counsel for the petitioner submitted that, the petitioner will be satisfied with a direction from this Court to the Family Court, Kottarakkara to have an expeditious disposal of I.A.Nos.1651 of 2018 and 2069 of 2018 filed in O.P. (G.W) No.883 of 2018. In view of the limited relief proposed through this judgment, we think it not necessary to issue notice to the respondent. Hence the above original petition is disposed of at the stage of the admission itself.

2. When the case came up for consideration,

we called for a report from the Family Court, Kottarakkara. The Judge, Family Court, Kollam, who is holding full additional charge of the Family Court at Kottarakkara had submitted a report, dated 28.01.2019. It is mentioned that the respondent before the court below had already filed objections to I.A. No.2069 of 2018. But she had not yet filed objections to I.A. No.1651 of 2018. It is stated that the case now stands posted to 15.02.2019. -:3:- But, the office of the Family Court, Kottarakkara is lying vacant and the Judge, Family Court, Kollam is conducting sitting at Kottarakkara only for one day in a week. The report has also indicated about the huge pendency of cases before the Family Courts at Kottarakkara as well as at Kollam. It is stated that, a considerable number of 5+year old cases are also pending in both the courts. The learned Judge had requested three months time for disposal of the interim applications.

3. Even though the difficulties expressed by the Judge, who is holding charge of the court, need to be taken into consideration, we realise that there is urgency in the matter of deciding the applications with respect to interim custody of minors. The petitioner is the father of the minor child, who is having a right of interim

custody/visitation. Hence, we are of the opinion that the interim applications need to be considered on an urgent basis.

4. Therefore, the above original petition is

hereby disposed of by directing the Family Court, Kottarakkara, to consider and pass appropriate orders on I.A.Nos.1651 of 2018 and 2069 of 2018 in -:4:- O.P.(G.W) No.883 of 2018, at the earliest, after affording reasonable opportunity to both sides. The above said I.As. shall be disposed of at any rate, within a period of six weeks from the date of production of a certified copy of this judgment. Sd/- C.K.ABDUL REHIM JUDGE Sd/- T.V.ANILKUMAR JUDGE DST -:5:-

APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 A TRUE COPY OF THE O.P(G.W) 883/2018 OF THE FAMILY COURT, KOTTARAKKARA. EXHIBIT P2 A TRUE COPY OF THE I.A.NO.1651/2018 IN O.P.(G.W) 883/2018 OF THE FAMILY COURT, KOTTARAKKARA. EXHIBIT P3 A TRUE COPY OF THE I.A.NO.2069/2018 IN O.P.(G.W) 883/2018 OF THE FAMILY COURT, KOTTARAKKARA. EXHIBIT P4 A TRUE COPY OF INFORMATION OBTAINED UNDER RTI FROM THE HEAD MISTRESS OF PRE PRIMARY SCHOOL GLPGS KAIPUZHA DATED 30.08.2018. EXHIBIT P5 A TRUE COPY OF INFORMATION OBTAINED UNDER RTI FROM THE MINORS CLASS TEACHER OF THE PRE PRIMARY SCHOOL GLPGS KAIPUZHA DATED 18.09.2018. EXHIBIT P6 A TRUE COPY OF PROCEEDING SHEET ISSUED BY THE FAMILY COURT, KOTTARAKKARA. RESPONDENTS EXHIBITS : NIL

//True Copy// P.A.To Judge

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