

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

&

THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR

TUESDAY, THE 30TH DAY OF APRIL 2019 / 10TH VAISAKHA, 1941

OP (FC).No. 267 of 2019

OP (G&W) NO.1810/2017 of FAMILY COURT, THIRUVANANTHAPURAM

PETITIONER:

VINEETH C. ,
AGED 38 YEARS
S/O.LATE CHANDRASEKHARAN NAIR, RESIDING AT
NIVEDIYAM, TC 1/1716, KARIYAM, SREEKARIYAM.P.O.,
THIRUVANANTHAPURAM-695017

BY ADV. SRI.VINOD.V (EDAPPUNATHIL)

RESPONDENT:

MEENU.S.
AGED 38 YEARS
W/O.VINEETH, SANTHINI, TC.8/1391, ANRA B-30,
PONGUMMOODU, MEDICAL COLLEGE PO.,
THIRUVANANTHAPURAM-695011.

BY ADVS.
SMT.M.SANTHY
SRI.M.RAJENDRAN NAIR

THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 30.04.2019,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.B.SURESH KUMAR & T.V.ANILKUMAR, JJ.

O.P.(FC) No.267 of 2019

Dated 30th April, 2019.

J U D G M E N T

P.B.Suresh Kumar, J.

Heard the learned counsel for the petitioner as also the learned counsel for the respondent.

2. The grievance of the petitioner in the original petition concerns the delay on the part of the Family Court, Thiruvananthapuram in passing orders on Ext.P16 application preferred by the petitioner in Ext.P12 original petition for interim custody of the ward referred to therein. In so far as the prayer made in the application was for interim custody of the ward during her vacation, it was obligatory for the Family Court to take appropriate decision on the application at the earliest point of time, as otherwise, the application would become infructuous. The original petition, in the circumstances, is disposed of directing the Family Court to take up and

pass orders on Ext.P16 application, within ten days from today. The parties are directed to appear before the Family Court for the said purpose on 03.05.2019.

Sd/-

P . B . SURESH KUMAR

JUDGE

Sd/-

T . V . ANILKUMAR

JUDGE

tgs

APPENDIX**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY PRINTOUT OF EMAIL COMMUNICATION BETWEEN THE PETITIONER AND RESPONDENT DATED 30.01.2015
EXHIBIT P2	TRUE COPY OF APPLICATION FORM FOR OBTAINING SCHOOL ADMISSION FOR THE CHILD
EXHIBIT P2 A	TRUE COPY OF THE RECEIPT DATED 25.02.2015 ISSUED BY KENDRIYA VIDYALAYA SCHOOL, PATTOM
EXHIBIT P3	TRUE COPY OF RECEIPT EVIDENCING PAYMENT OF CHILD'S SCHOOL FEES BY PETITIONER
EXHIBIT P3 A	TRUE COPY OF RECEIPT EVIDENCING PAYMENT OF CHILD'S SCHOOL FEES BY PETITIONER
EXHIBIT P3 B	TRUE COPY OF RECEIPT EVIDENCING PAYMENT OF CHILD'S SCHOOL FEES BY PETITIONER
EXHIBIT P3 C	TRUE COPY OF RECEIPT EVIDENCING PAYMENT OF CHILD'S SCHOOL FEES BY PETITIONER
EXHIBIT P4	TRUE COPY OF THE PRINTOUT OF E-MAIL COMMUNICATION DATED 11.08.2016 BETWEEN RESPONDENT AND PETITIONER WITH REGARDS TO DRAFTING AND TERMS AND CONDITIONS TO BE INCLUDED IN THE SETTLEMENT AGREEMENT AND MUTUAL DIVORCE PETITION
EXHIBIT P5	TRUE COPY OF PRINTOUT OF E-EMAIL COMMUNICATION DATED 15.08.2016 IN RELATION TO THE CONDITIONS IN THE SETTLEMENT AGREEMENT AND MUTUAL DIVORCE PETITION
EXHIBIT P6	TRUE COPY OF PRINTOUT OF E-MAIL COMMUNICATION DATED 16.08.2016 SENT BY RESPONDENT TO PETITIONER INSTRUCTING PETITIONER TO BRING PROOF OF IDENTIFICATION FOR SIGNING THE DOCUMENTS THE VERY NEXT DAY OF SENDING THE EMAIL

EXHIBIT P7	TRUE COPY OF THE MUTUAL DIVORCE PETITION O.P.NO.1664/2016 FILED BEFORE THE HON'BLE FAMILY, THIRUVANANTHAPURAM.
EXHIBIT P8	TRUE COPY OF THE SETTLEMENT AGREEMENT DATED 19.08.2016 FILED ALONG WITH O.P.NO.1664/2016
EXHIBIT P9	TRUE COPY OF TERM DEPOSIT RECEIPT DATED 08.09.2016 AMOUNTING TO RS.10,00,000/- IN THE CHILD'S NAME
EXHIBIT P10	TRUE COPY OF THE CHILD'S PASS BOOK FOR SBI BANK ACCOUNT NO.36070909890
EXHIBIT P10 A	TRUE COPY OF THE BANK STATEMENT OF SBI BANK ACCOUNT NO.36070909890 FROM 07.09.2016 TO 16.04.2019
EXHIBIT P11	TRUE COPY OF LETTER DATED 18.09.2017 GIVEN TO THE SUB INSPECTOR OF POLICE, SREEKARYAM, THIRUVANANTHAPURAM.
EXHIBIT P12	TRUE COPY OF PETITION O.P. (G AND W)NO.1810/2017 FILED BY PETITIONER BEFORE FAMILY COURT, THIRUVANANTHAPURAM.
EXHIBIT P13	TRUE COPY OF COPY OF OBJECTION FILED BY RESPONDENT IN O.P.NO. (G AND W)NO.1810/2017
EXHIBIT P14	TRUE COPY OF ORDER OF HON'BLE FAMILY COURT, THIRUVANANTHAPURAM IN I.A.NO.4035/2017 IN OP(G AND W) NO.1810/2017 DATED 18.01.2019
EXHIBIT P15	TRUE COPY OF ADVANCEMENT APPLICATION I.A.NO.948/2019 IN O.P. (G & W)NO.1810/2017
EXHIBIT P16	TRUE COPY OF INTERLOCUTORY APPLICATION I.A.NO.949/2019 FOR INTERIM CUSTODY OF THE CHILD DURING SCHOOL SUMMER VACATION.
EXHIBIT P17	TRUE COPY OF COUNTER FILED BY RESPONDENT IN I.A.NO.949/2019
EXHIBIT P18	TRUE COPY OF B-DIARY IN O.P. (G AND W)NO.1810/2017