

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  
DESOM, VILLAGE AND DESOM, KODUNGALLUR TALUK, THRISSUR  
DISTRICT 680 691
- 2 SUKUMARAN,  
AGED 76 YEARS  
S/O. THAYAVALLIYIL ANDI, KOOLIMUTTOM P.O AND DESOM,  
VILLAGE AND DESOM, KODUNGALLUR TALUK, THRISSUR  
DISTRICT 680 691
- 3 SUJATHA, AGED 71 YEARS  
W/O. THAYAVALLIYIL SUKUMARAN, KOOLIMUTTOM P.O AND  
DESOM, VILLAGE AND DESOM, KODUNGALLUR TALUK, THRISSUR  
DISTRICT 680 691

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 31<sup>st</sup> 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 the present market value of the gold ornaments. The said application was dismissed stating that it was filed 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

Sd/-

**A.MUHAMED MUSTAQUE**

**JUDGE**

Sd/-

**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 880/15 BEFORE THE FAMILY COURT, IRINJALAKKUDA
EXHIBIT P5	TRUE COPY OF ORDER DATED 19-2-2021 IN IA 1/20 IN O.P 880/15 BEFORE THE FAMILY COURT, IRINJALAKKUDA