

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 30<sup>TH</sup> DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943

OP (FC) NO. 468 OF 2021

ARISING OUT OF OPDIV 200/2019 OF FAMILY COURT, ETTUMANOOR,  
KOTTAYAM

**PETITIONER:**

DEEPTHY SUDHAKAR, AGED 29 YEARS  
D/O. SUDHAKARAN, ALUMKATTAYIL HOUSE, PERUVA KARA,  
MULAKULAM VILLAGE, VAIKOM TALUK, KOTTAYAM  
DISTRICT, PIN-686610.

BY ADVS. S.ABHILASH VISHNU  
K.R.MONISHA

**RESPONDENT:**

SATHEESAN, AGED 31 YEARS  
S/O. SASI, MANNATHARA HOUSE, THALAYAZHAM KARA,  
MULAKULAM VILLAGE, VAIKOM TALUK, KOTTAYAM  
DISTRICT, PIN-686610.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON  
30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## J U D G M E N T

Dated this the 30<sup>th</sup> day of September, 2021

*A.Muhammed Mustaque,J.*

The petitioner is the petitioner in a joint petition for divorce filed u/s 13B of the Hindu Marriage Act, 1955 before the Family Court, Ettumanoor. The case has been numbered as O.P.(Div) No.200/2019.

It is submitted that respondent is in Dubai and he is not in a position to come down to Kerala. It is further submitted that petitioner is available at home town. Learned counsel for the petitioner submits that the parties may be permitted to appear through video conferencing and thereafter to conclude the proceedings accordingly.

2. Having adverted to the submission as above, we direct the Family Court to dispose of Section 13B petition allowing party/parties who cannot be present physically, to appear through online mode. However, the

-:3:-

party who is available in India shall physically be present before the Family Court. The Advocate or the authorised agent representing the party/parties who appears online shall identify the party/parties and is permitted to sign the statement, if any, of such parties who appears online. It is submitted that cooling off period is over and 6/10/2021 would be convenient for both parties for giving their statement.

Accordingly, we direct the Family Court to post the case on 6/10/2021 for giving statement of both parties. The original petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE**

**JUDGE**

Sd/-

**DR. KAUSER EDAPPAGATH**

**JUDGE**

kp

**True copy**

P.A. To Judge

**APPENDIX OF OP (FC) 468/2021**

PETITIONER EXHIBITS

- |            |   |
|------------|---|
| Exhibit P1 | TRUE COPY OF O.P.(G&W) NO.1053/2018 OF THE FAMILY COURT, ETTUMANOOR DATED 3.9.2018.   |
| Exhibit P2 | TRUE COPY OF THE OBJECTION OF THE RESPONDENT HEREIN IN O.P.(G&W) NO.1053/2018 BEFORE THE FAMILY COURT, ETTUMANOOR, DATED 3.10.2018. |
| Exhibit P3 | TRUE COPY OF THE MEDIATION REPORT DATED 13.2.2019.  |
| Exhibit P4 | TRUE COPY OF THE JUDGMENT OF THE FAMILY COURT, ETTUMANOOR, IN O.P. (G&W) NO.1053/2018 DATED 13.2.2019.                              |
| Exhibit P5 | TRUE COPY OF AFFIDAVIT IN O.P.(DIV.) NO.200/2019 FILED BEFORE THE FAMILY COURT, ETTUMANOOR DATED 25.2.2019.                         |