

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

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THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

THURSDAY, THE 29<sup>TH</sup> DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945

OP (FC) NO. 123 OF 2024

AGAINST OP 351/2018 OF FAMILY COURT, PALA

PETITIONERS/RESPONDENTS:

- 1 JOSH Y MON  
AGED 47 YEARS  
S/O. KURIAKOSE, RESIDING AT OZHAKAL HOUSE, KALATHUKADAVU P.O.,  
MOONILAVU VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN -  
685579
- 2 SANTHOSH GEORGE  
AGED 37 YEARS  
S/O. GEORGE, CHERUKARICKAL HOUSE, POONJAR THEKKEKARA VILLAGE,  
PERINGALAM P.O., MEENACHIL TALUK, KOTTAYAM, PIN - 686582

BY ADVS.  
GEORGE MATHEW  
SUNIL KUMAR A.G  
MATHEW K.T.  
GEORGE K.V.  
STEPHY K REGI  
MEDHA B.S.

RESPONDENT/RESPONDENT:

SHEEBA  
AGED 37 YEARS  
W/O. JOSH Y MON KURIAKOSE, RESIDING AT OZHAKAL HOUSE,  
KALATHUKADAVU P.O., MOONILAVU VILLAGE, MEENACHIL TALUK,  
KOTTAYAM DISTRICT, REP. BY HER POWER OF ATTORNEY HOLDER -  
MARYKUTTY, W/O. VARGHESE, MANNAMPALLY HOUSE, T.V. PURAM P.O.,  
VAIKOM TALUK, KOTTAYAM DISTRICT, PIN - 686606

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J U D G M E N T**

(Dated this the 29<sup>th</sup> day of February, 2024)

Heard the learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioner that O.P.Nos.351/2018 and 29/2020 are pending before the Family Court, Pala. It is also submitted that Exts.P10 and P11 Interlocutory applications have been filed for expeditious disposal of the case before the Family Court and that the cross-examination of the petitioner is to be completed at the earliest.

3. The learned counsel for the petitioner submitted that the petitioner and the respondent are employed abroad and that the 1<sup>st</sup> petitioner has come down for a short leave for tendering evidence in the case. It is also submitted that an application with regard to consideration of the maintainability is also pending before the Family Court.

4. Having considered the contentions advanced, we are of the opinion that the Family court should pass appropriate orders on Exts.P10 and P11 interlocutory applications filed in O.P.Nos.351/2018 and 29/2020 without delay.

Accordingly, there will be a direction to the Family Court to take up and pass orders on Exts.P10 and P11 and other interlocutory applications with regard to the maintainability and endeavour to dispose of the same after hearing all concerned parties without undue delay.

SD/-

**ANU SIVARAMAN**  
**JUDGE**

SD/-

**C.PRATHEEP KUMAR**  
**JUDGE**

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APPENDIX OF OP (FC) 123/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF MEMORANDUM DTD.08.06.2018 IN O.P. NO. 351 OF 2018 OF THE FAMILY COURT, PALA
Exhibit P2	TRUE COPY OF WRITTEN STATEMENT 07.12.2018 IN EXT.P1
Exhibit P3	TRUE COPY OF MEMORANDUM DTD. 13.01. 2020 IN O.P. NO. 29 OF 2020 OF THE FAMILY COURT, PALA
Exhibit P4	. TRUE COPY OF JOINT OBJECTION/WRITTEN STATEMENT DTD. NIL IN EXT.P3
Exhibit P5	TRUE COPY OF COMMON JUDGMENT DTD. 30.05.2023 O.P. (FC) NO. 711 OF 2022 AND O.P. (FC) NO. 294 OF 2023
Exhibit P6	TRUE COPY OF COMMON ORDER DTD. 21.07.2023 IN R.P. NOS. 690 AND 696 OF 2023
Exhibit P7	TRUE COPY OF ORDER DTD. 25.07.2023 IN I.A. NO. 15 OF 2023 IN EXT.P3
Exhibit P8	TRUE COPY OF JUDGMENT DTD. 05.12.2023 IN O.P. (FC) NO. 649 OF 2023
Exhibit P9	TRUE COPY OF ORDER DTD. 22.01.2024 IN R.P. NO. 61 OF 2024
Exhibit P 10	TRUE COPY OF I.A. NO.11 OF 2024 IN O.P. NO.351 OF 2018 OF THE FAMILY COURT, PALA
Exhibit P11	TRUE COPY OF I.A. NO.24 OF 2024 IN O.P. NO.29 OF 2020 OF THE FAMILY COURT, PALA