



2025:KER:27019

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947

OP (FC) NO. 175 OF 2025

IA NO.2/2024 IN OPGW NO.687 OF 2019,

FAMILY COURT, ATTINGAL

PETITIONER/PETITIONER IN IA NO.2 OF 2024 AND

IA NO.1 OF 2024/RESPONDENT IN OP(G&W)NO.687/2019:

RAMSI N, AGED 29 YEARS, D/O MOHAMMED RAFI,
RESIDING AT NEDUMKOTTUKONATHU VEEDU,
POOLANTHARA, SANTHIGIRI P O, POTHENCODE FROM
PLAVARACODU PUTHUVAL PUTHEN VEEDU, CHANTHAVILA,
SAINIKA SCHOOL P O, KAZHAKUTTOM,
THIRUVANANTHAPURAM DISTRICT, PIN - 695585.

BY ADV M.ABDUL RASHEED

RESPONDENT/RESPONDENT IN IA NO.2 OF 2024 AND

IA NO.1 OF 2024/PETITIONER IN OP(G&W)NO.687/2019:

JIHAS, AGED 36 YEARS, S/O ABDUL SALAM,
RESIDING AT VILAYIL PUTHEN VEEDU,
MUDAPURAM P O, KIZHUVILAM VILLAGE,
CHIRAYINKEEZH, THIRUVANANTHAPURAM DISTRICT,
PIN - 695304.



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THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

Devan Ramachandran, J.

The petitioner pleads that Exts.P3 and P4 applications, which she says has been numbered as I.A.Nos.2/2024 and 1/2024 respectively in R.P.No.99/2024, be directed to be disposed of at the earliest.

2. Upfront, we must say that the prayer is imperfect because, in an inquiry with the learned Family Court, it has been revealed that there is only R.P.No.99/2024 and I.A.No.1/2024 therein to condone the delay in its filing, which is Ext.P4. There is no I.A.No.2/2024 asserted by the petitioner.

3. That being so, the question is whether this Court should direct the learned Family Court to take up R.P.No.99/2024.

4. The learned counsel for the petitioner



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submits that there is an Execution Petition, numbered as E.P.No.59/2022, filed based on original Judgment and decree, which is sought to be set aside through R.P.No.99/2024.

In the afore circumstances, we allow this Original Petition, directing the learned Family Court to consider I.A.No.1/2024, namely Ext.P4, in R.P.No.99/2024, as also the said Restoration Petition, after affording necessary opportunity to both sides as expeditiously as is possible but not later than two months from the date of receipt of a copy of this judgment.

We notice that the petitioner has also sought that this Court stay further proceedings in E.P.No.59/2022, till the above said restoration petition is disposed of. However, we notice that she concedes that she has filed Ext.P5 application for such purpose before the



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learned Family Court, Attingal. Obviously, it is up to the petitioner to move the learned Family Court appropriately, including by seeking an early hearing of Ext.P5, the liberty for which is reserved.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

M.B.SNEHALATHA

JUDGE

akv



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APPENDIX OF OP (FC) 175/2025

PETITIONER EXHIBITS

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| EXHIBIT P1 | TRUE COPY OF THE E.P. NO.59/2022 IN
O.P. (G&W) NO.687/2019 ON THE FILE OF
FAMILY COURT, ATTINGAL DATED
23.11.2022 |
| EXHIBIT P2 | TRUE COPY OF THE JUDGMENT IN O.P.
(G&W) NO.687/2019 OF THE FAMILY COURT,
ATTINGAL DATED 27.6.2022 |
| EXHIBIT P3 | TRUE COPY OF THE I.A. NO.2/2024 IN
R.P. NO.99/2024 IN O.P. (G&W)
NO.687/2019 ON THE FILE OF THE FAMILY
COURT, ATTINGAL DATED 19.11.2024 |
| EXHIBIT P4 | TRUE COPY OF THE DELAY CONDONATION
PETITION I.A. NO.1/2024 IN R.P.
NO.99/2024 IN O.P. (G&W) NO.687/2019
ON THE FILE OF THE FAMILY COURT,
ATTINGAL DATED 19.11.2024 |
| EXHIBIT P5 | TRUE COPY OF THE E.A. NO.3/2024 IN
E.P. NO.59/2022 ON THE FILE OF FAMILY
COURT, ATTINGAL DATED 9.12.2024 |