

(2010) 08 KL CK 0104

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26304 of 2010 (R)

Anupama Devassia

APPELLANT

Vs

Jervis Joeph, Vadakkazhikom Joseph John, Beatrice Joseph
and Jobia Joseph

RESPONDENT

Date of Decision : 19-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0104

Hon'ble Judges : R. Basant, J;M.C. Hari Rani, J

Bench : Division Bench

Advocate : Ajaya Kumar G, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

R. Basant, J.—The petitioner has come to this Court with this petition for a direction for out of turn expeditious disposal of O.P. No. 820/2008 filed by her before the Family Court, Kollam against the respondents. According to the petitioner, the said petition has been pending from 2008. Respondents have shown no interest in a harmonious settlement of the disputes; but the matter is unnecessarily dragging on. The petitioner has now secured employment abroad. If there is further delay in the matter being taken up for trial, that would adversely affect the interest of the petitioner. It is, in these circumstances, that the petitioner has come to this Court.

2. Has the petitioner moved the court below? Obviously, she has not. Without and before moving the Family Court for an out of turn expeditious disposal of the case by advancement of the case, we find no merit in the attempt made by the petitioner before this Court. We take note of the circumstances. We are satisfied, in these circumstances, that this writ petition can be allowed in part with direction to the Family Court to consider the petitioner's prayer for advancement of the trial and expeditious disposal of O.P. No. 820/2008 as expeditiously as possible.

3. Hand over copy of this judgment to the learned Counsel for the petitioner who can file the same before the court below along with the application for advancement of the case and out of turn early disposal. We need only mention that we expect the Family Court to consider the request of the petitioner and pass appropriate orders.

4. This writ petition is, in these circumstances, allowed in part to the above extent.