

(2010) 10 KL CK 0074

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 27869 of 2010 (R)

Deepak

APPELLANT

Vs

Bindhu

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2010) 10 KL CK 0074

Hon'ble Judges : R. Basant, J;M.L. Joseph Francis, J

Bench : Division Bench

Advocate : P.V. Baby, for the Appellant; M.V. Thamban, for the Respondent

Final Decision : Dismissed

Judgement

R. Basant, J.—Petitioner is the father of a minor male child. The child is in the custody of the respondent, the mother of the minor child. O.P(G and W) 970 of 2009 was filed by the petitioner for custody of the child during vacations and also for other incidental reliefs. The petitioner is working in the Merchant Navy. According to him, he comes to Kerala to spend his vacations.

2. During the pendency of that petition, I.A. No. 874 of 2010 was filed by the petitioner for custody of the child during summer vacation, 2010. The court below, by the impugned order, granted custody for two days from 12.05.2010 to 14.05.2010. It is admitted at all hands that the petitioner could not take advantage of the said order. He has now come up with this petition to challenge the said order.

3. We wanted the learned Counsel for the petitioner to state specifically on which date he now wants custody of the child. The learned Counsel for the petitioner submits that the petitioner is now on board in a voyage and he is not able to specify the time/the date on which the interim direction to give custody can be implemented.

4. We do not, in these circumstances, find any merit in the challenge raised in

this Writ Petition. We are not persuaded to invoke our extraordinary constitutional jurisdiction under Article 227 against the impugned order Ext.P6.

5. The learned Counsel for the petitioner submits that there may be a general direction regarding handing over custody of the child during all vacations. That is the very specific relief claimed in the main petition. We are not satisfied that specific direction in that regard need be issued now. We do, however, make it clear that we expect the court below to dispose of O.P. (G and W) 970 of 2009 as expeditiously as possible. Before the final disposal of that application, if there be any further interim applications for custody filed during specified vacations, the court below shall proceed to dispose of such applications expeditiously. The court below must be conscious and cognizant of the fact that such applications have to be disposed of expeditiously, as the petitioner, a person employed in the Merchant Navy, will not be able to wait indefinitely for the order and its compliance.

6. With the above observations, this Writ Petition is dismissed.