# IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

TUESDAY, THE 13<sup>TH</sup> DAY OF JUNE 2023 / 23RD JYAISHTA, 1945 OP (FC) NO. 262 OF 2023

AGAINST THE ORDER/JUDGMENT IN OP 742/2023 OF FAMILY COURT, KUNNAMKULAM

GOP 1792/2017 OF FAMILY COURT, THRISSUR

#### PETITIONER/PETITIONER IN IA:

PRAVEEN A R
AGED 40 YEARS, S/O.RAVEENDRAN AG,
PERMANENTLY RESIDING AT ANJALASSERRY
HOUSE, ELAMKUNNAPUZHA, ERNAKULAM-682503,
NOW RESIDING AT VILLA 97, BNIYAS EAST
11, ABUDHABI, UAE REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER RAVEENDRAN A G,
AGED 71 YEARS, SON OF GOPALAN, RESIDING
AT ANJALASSERRY HOUSE, ELAMKUNNAPUZHA,
ERNAKULAM DISTRICT 682503, PIN - 682503

BY ADVS.
C.RAJENDRAN
B.V.BALAKRISHNAN

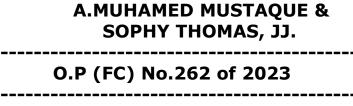
#### RESPONDENTS/RESPONDENTS IN IA:

- 1 REMYA K J, W/O.PRAVEEN, AGED 31 YEARS KOCHAAN HOUSE, CHAVAKKAD, BLANGAD, THRISSUR, PIN - 680506.
- 2 JAYARAM AGED 56 YEARS SON OF BHASKARAN, KOCHAAN HOUSE, CHAVAKKAD, BLANGAD, THRISSUR, PIN -680506

- 3 SAMYUKTHA @ RANI AGED 49 YEARS W/O.JAYARAM, KOCHAAN HOUSE, CHAVAKKAD, BLANGAD, THRISSUR, PIN - 680506
- 4 RAVEENDRAN A G
  AGED 71 YEARS
  S/O.GOPALAN RESIDING AT ANJALASSERRY
  HOUSE, ELAMKUNNAPUZHA, ERNAKULAM
  DISTRICT, PIN 682503
- 5 VIJAYALAKSHMI AGED 61 YEARS W/O.RAVEENDRAN A G RESIDING AT ANJALASSERRY HOUSE, ELAMKUNNAPUZHA, ERNAKULAM DISTRICT, PIN - 682503.

BY ADV SRI.RAJIT

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 13.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



Dated this the 13<sup>th</sup> day of June, 2023

## **JUDGMENT**

# Sophy Thomas, J.

The husband is before us challenging Ext.P2 order of the Family Court, Kunnamkulam, dismissing his application to receive a compact disc as an additional document.

- 2. The husband filed OP No.742 of 2023 before Family Court, Kunnamkulam, for custody of his minor child, and it was tried along with the OP for restitution of conjugal rights filed by him. The evidence of the petitioner is going on and meanwhile, he filed I.A No.34 of 2022 to accept the compact disc, which contains the conversation between himself and his father-in-law, to prove that the back pain of his wife was not caused by him, and it was the result of jumping a fence.
- 3. Learned Family Court Judge dismissed that application finding that, the OPs filed by him were for custody of the child and restitution of conjugal rights, and the compact disc and its

contents had no relevance with the subject matter involved. The Family Court further found that, after starting trial, the parties were filing petitions after petitions, to cause inordinate delay in concluding the trial.

4. Considering the point to be proved by accepting the compact disc, we are also of the view that, it has no relevance at all, as far as the dispute involved in the above OPs are concerned. So, we find nothing illegal or improper in Ext.P2 order of the Family Court warranting our interference.

In the result, the original petition stands dismissed. If the petitioner is aggrieved by the final outcome in OP No.742 of 2023, he is at liberty to challenge Ext.P2 order also, in the appeal if any filed by him.

Sd/-

## A.MUHAMED MUSTAQUE JUDGE

Sd/-

# SOPHY THOMAS JUDGE

smp

#### APPENDIX OF OP (FC) 262/2023

PETITIONER EXHIBITS

Exhibit A TRUE PHOTOCOPY OF THE APPLICATION [IA 34/2022] WAS P1 FILED BY THE PETITIONER FOR ACCEPTING AN ADDITIONAL DOCUMENT BEFORE THE HON'BLE FAMILY COURT, THRISSUR DATED 10/10/2022

Exhibit A CERTIFIED COPY OF THE ORDER IN IA 34/2022 IN OP P2 742/2023 DATED 29/12/2022 PASSED BY THE HON'BLE FAMILY COURT, KUNNAMKULAM

Exhibit A TRUE PHOTOCOPY OF THE AFFIDAVIT FILED BY THE 1ST
P3 RESPONDENT BEFORE THE FAMILY COURT DATED 23/02/2019
IN IA 34/2022 IN GOP 1792/2017 FAMILY COURT THRISSUR

True Copy

P.S to Judge

smp