

Kerala High Court

T.Baby vs Robinson on 23 July, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 19779 of 2008(S)

1. T.BABY, JITHU BHAVAN, THELLANITHALA,
... Petitioner

Vs

1. ROBINSON, T.C.14/487, CHENNILODE,
... Respondent

For Petitioner :SRI.S.M.PREM

For Respondent : No Appearance

The Hon'ble MR. Justice KURIAN JOSEPH
The Hon'ble MR. Justice HARUN-UL-RASHID

Dated :23/07/2008

O R D E R

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P.(C) No.19779 of 2008

Dated this the 23rd day of July 2008

JUDGMENT

Harun-Ul-Rashid,J The petitioner/mother filed this writ petition for a direction to the Family Court, Nedumangad to direct the respondent/father to comply with Ext.P3 order and to hand over the custody of the minor children Jithu and Chinnu to the petitioner/mother. The petitioner/mother herein filed I.A. 1598/2007 before the Family Court, Nedumangad in O.P. 288/2005 seeking interim custody of her two minor children . The children are now in the custody and protection of the respondent/father. The parties are living separately from the year 2004. The Original petition, mentioned above, was filed by the petitioner/mother for declaring her as the guardian of the minor children and for their permanent custody . The Family court Nedumangad, disposed of I.A. 1598/2007 by Ext.P3 order. The petitioner/ mother is allowed to see the children at the court

premises on all 1st Saturdays from 10 a.m. to 12 noon.

As directed by us the petitioner, respondent and their two children are present today. We have talked to the parties extensively. The parties requested this Court to settle the disputes between them for ever. The parties are economically very weak. Therefore they submitted before us that they are unable to continue the litigation. They have also agreed for arrangements regarding custody of the minor children. Accordingly we direct that the custody of the two minor children shall continue with the respondent/father. The petitioner/mother is entitled to temporary custody for a period of two days in alternate weeks and for a period of one week each during Onam and Christmas holidays (first one week) and also for one month during summer holidays. The respondent/father agreed to take the children to the petitioner's native place and hand over the children at 10 a.m on Saturdays and shall collect the children on the following Sunday at 5 p.m from the premises of the Salvation Army Church, Vellanadu. The same timings are also applicable for Onam and Christmas holidays and summer holidays as well. The respondent/father shall hand over the children to the petitioner/mother at the same premises. in view of the arrangement regarding custody regarding the children, O.P 288/2005 pending before the Family Court, Nadumangad is struck off from its file. If any modification is necessary in future, the parties shall be at liberty to approach this Court.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE HARUN-UL-RASHID, JUDGE es