

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN  
&  
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Wednesday, the 29<sup>th</sup> day of March 2023 / 8th Chaithra, 1945

OP (FC) NO. 106 OF 2023(R)

AGAINST THE PROCEEDINGS IN OP(G&W) No.591/2022 OF FAMILY COURT, PALA.  
PETITIONERS/PETITIONERS:

1. STEAPHEN ANTONY VENANSIOUS, AGED 37 YEARS, S/O. JOHNY NICOLAS VENANSIOUS, 19B, GOLD TOWER, 1/144, CHEMBUMUKKU, VAZHAKKALA, KOCHI – 682 030. AND HAVING PERMANENT RESIDENCE AT 'MARY MAJOR', MWRA – NO. 43, OPPOSITE COLLECTOR'S BUNGALOW, MUNDAKKAL WEST, KOLLAM CITY, KOLLAM - 691 001.
2. JOHNY NICOLAS VENANSIOUS, AGED 72 YEARS, S/O. JOHNY NICOLAS, 'MARY MAJOR', MWRA – NO. 43, OPPOSITE COLLECTOR'S BUNGALOW, MUNDAKKAL WEST, KOLLAM CITY, KOLLAM - 691 001.
3. KAMEELA VENANSIOUS, AGED 64, W/O. JOHNY NICOLAS VENANSIOUS, 'MARY MAJOR', MWRA – NO. 43, OPPOSITE COLLECTOR'S BUNGALOW, MUNDAKKAL WEST, KOLLAM CITY, KOLLAM - 691 001.

RESPONDENTS/RESPONDENTS:

1. DIVYA JOSE, AGED 30 YEARS, D/O.MR. JOSE JOSEPH, PANAMKUNNEL HOUSE, NEAR BSNL EXCHANGE, VALAVOOR P.O., VALAVOOR VILLAGE, KOTTAYAM DISTRICT, PIN- 686 635, REPRESENTED BY HER GUARDIAN AND FATHER MR.JOSE JOSEPH, AGED 62 YEARS, PANAMKUNNEL HOUSE, NEAR BSNL EXCHANGE, VALAVOOR, VALAVOOR P.O., VALAVOOR VILLAGE, KOTTAYAM DISTRICT, PIN - 686 635.
2. MRS.BETTY JOSE, AGED 58 YEARS, W/O. JOSE JOSEPH, PANAMKUNNEL HOUSE, NEAR BSNL EXCHANGE, VALAVOOR, VALAVOOR P.O., VALAVOOR VILLAGE, KOTTAYAM DISTRICT, PIN - 686 635.
3. JOSE JOSEPH, AGED 62 YEARS, S/O. JOSEPH PANAMKUNNEL, PANAMKUNNEL HOUSE, NEAR BSNL EXCHANGE, VALAVOOR, VALAVOOR P.O., VALAVOOR VILLAGE, KOTTAYAM DISTRICT, PIN - 686 635.

OP (Family Court) praying inter alia that in the circumstances stated in the affidavit filed along with the OP (FC) the High Court be pleased to issue an interim direction calling for a report from the Honourable Family Court, Pala as to the time required for disposal of OP(G&W) 591/2022 its file, pending disposal of the OP(FC).

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of OP (FC), this Court's order dated 10/03/2023 and upon hearing the arguments of M/S. S.SHANAVAS KHAN, S.INDU & KALA G.NAMBIAR, Advocates for the petitioners, SMT.ANITHA MATHAI MUTHIRENTHY, Advocate for R1 to R3, the court passed the following:

**ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.**

**O.P.(FC) No.106 of 2023**

**Dated this the 29<sup>th</sup> day of March, 2023**

**ORDER**

P.G. Ajithkumar, J.

The Registry raised an objection in receiving the Vakalath filed by Advocate Anitha Mathai Muthirenthi for respondents 1 to 3. The objection is that the 1<sup>st</sup> respondent is shown represented by her guardian in the Original Petition; whereas the Vakalath filed is executed by her.

The fact whether the 1<sup>st</sup> respondent is capable of protecting her interest in the litigation or a guardian is to be appointed is a disputed question. The 1<sup>st</sup> respondent contends that she has no mental illness rendering her incapable of protecting her interest in this litigation. In such circumstances, the objection is untenable. Registry is directed to receive the Vakalath.

List on 04.04.2023.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

dkr