

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS.JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MRS.JUSTICE M.R.ANITHA

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

OP(FC).178 of 2020

Petitioner

Toby T Manjooran  
Aged 46, S/o Thomas, Manjooan House,  
Pottayil Line, Thissur District-680004

By Adv. Sri. S. Renjith.

Respondent

Marry Jani Joseph  
Aged 38, W/o Tobby T Manjooran  
Chowalloor (H), H.No.11/299, Thaikadu village,  
Chakkamkandam P.O, Chavakkad,Thrissur District  
Mobile & Whatsapp No. 6238545646, 9497250506

THIS OP(FC) HAVING COME UP FOR ADMISSION ON 15.5.2020, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING :

ORDER

M.R.Anitha, J

1. Petitioner is the respondent in O.P.847/2017 pending before the Family Court, Thrissur. The petitioner herein is the petitioner in I.A.2/2020 in O.P 847/2017 on the file of Family Court, Thrissur. By the impugned order, the learned Family Court refused to grant interim custody to the petitioner. Aggrieved by the same, the petitioner came up before this Court. According to the petitioner, petitioner was given interim custody as per Ext.P1 order by the Family Court for the period 6.4.2020 to 23.5.2020. The interim custody has been given to the respondent/mother and petitioner was permitted to have custody of children on every second Saturday at 10.00 am till 5.00 pm on next Sunday. Petitioner filed I.A

for custody of minor children during summer vacation. The respondent did not file any counter and stated no objection and hence as per Ext.P1 order, custody was given to the petitioner from 6.4.2020 to 23.5.2020. After passing the order, due to COVID-19 issues and lock down petitioner has not handed over the custody of the children. Even though travel pass was issued by the police to collect the children, the respondent did not hand over the custody of the children to the petitioner. Hence he filed I.A.4/2020 before the Family Court seeking for direction to hand over the custody of the children. But by the impugned order, I.A was dismissed by the Family Court against which this OP has been filed. Now the petitioner seeks for interim custody of the children.

2. Hence issue notice to the respondent. Learned counsel for the petitioner submitted that he has served notice

through Watts App and E-mail to the respondent.

3. Post the case on 19.5.2020.

ANU SIVARAMAN, JUDGE

M.R.ANITHA, JUDGE

Mrcs/15.5

**APPENDIX**

**Ext.P1.** True copy of the order dated 16.03.2020 in I.A No. 2 of 2020 in OP. No. 847 of 2017 of Family Court, Thrissur.

**Ext.P2.** True copy of the I.A No. 4 of 2020 in OP. No. 847 of 2017 of Family Court, Thrissur.

**Ext.P3.** True copy of the order dated in I.A No. 4 of 2020 in OP. No. 847 of 2017 of the Family Court, Thrissur