

IN THE COURT OF THE MUNSIFF, HARIPAD

Present: Smt. Maneesha .K. Bhadran, Munsiff

Wednesday the 25th day of March, 2026/4th Chaithram, 1948

IA No.1/2026 in OS No.76/2020

(Filed on 05.03.2020)

Plaintiff:

Sindhu aged 45 years,
W/o Subash, S.R.Bhavan,
Cheruthana North Muri,
Cheruthana Village.

(By Adv. Sujith Vathalloor Koyickal)

Defendants:

1. Subash, S.R.Bhavan,
Cheruthana North Muri,
Cheruthana Village
2. Chandrika, S.R.Bhavan,
Cheruthana North Muri,
Cheruthana Village

(By Adv. Ibrahim Kutty)

This Petition having been finally heard on 17.03.2026 and the court on 25.03.2026 passed the following.

ORDER

Petition filed by plaintiff for return of plaint for presentation before Hon'ble Family Court, Mavelikara.

2. **Petition averments in brief are as follows:-** Suit is for declaration of Settlement deed No.9/2018 of Haripad SRO as null and void and for permanent prohibitory injunction. The above settlement deed was executed by plaintiff, the wife of first defendant in favour of first defendant due to fraud on his part. As per S.7(c) of the Family Courts Act, 1984, the case is to be tried by Hon'ble Family Court, Mavelikara. Due to an oversight, the case was mistakenly filed before this Court and prosecuted without heeding to jurisdiction issue. Hence the petition.

3. Respondents filed objection stiffly opposing the above petition contending that it is highly belated and without any bonafides.

4. The following point arises for consideration.
Whether petition is allowable?

5. Heard both sides.

6. **The point:-** Suit is for declaration of Settlement deed No.9/2018 of Haripad SRO as null and void and for permanent prohibitory injunction. Plaintiff averments would show that the above settlement deed was executed by plaintiff, the wife of first defendant in favour of first defendant due to fraud on his part. Defendants in their written statement have vehemently challenged the jurisdiction of this court to try the above suit as per S.7 of the Family Courts Act.

7. As per Section 7 (c) of the Family Courts Act, 1984, the Family Court has exclusive jurisdiction to entertain and try suits and proceedings between the parties to a marriage with respect to the properties of the parties or of either of them. The present suit, being one which squarely falls within such jurisdiction, cannot be entertained by this Court. Hence, this Court lacks jurisdiction to try the present suit. In the above circumstances, the plaint is liable to be returned for presentation before the Hon'ble Family Court having jurisdiction.

In the result, the above petition is allowed. Plaint in the above suit is returned for presentation before the Hon'ble Family Court having jurisdiction within a period of 2 months. Considering the facts and circumstances of the suit, the parties are directed to bear their respective costs.

Dictated to the Confidential Assistant typed by her, corrected and pronounced by me in the open court of this the 25th day of March, 2026.

Sd/-
Maneesha K Bhadran
Munsiff

Id/-
Munsiff

APPENDIX:Nil

