

ITEM NO.52

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 96 OF 2013
(for prel. hearing)

SREEJA V.

Petitioner(s)

VERSUS

RAJESH PULIYANKALATH

Respondent(s)

(With appln(s) for ex-parte stay and office report)

Date: 04/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Ms. Sreeja V.In-Person

For Respondent(s)

UPON hearing in person the Court made the following
O R D E R

In this petition filed under Article 32 of the Constitution, the petitioner has prayed the following substantive prayers:

"(i)issue a writ in the nature of certiorari or any appropriate writ quashing and setting aside the order dated 16.01.2013 in O.P. 86 of 2012 and order dated 09.01.2013 in I.A. 676 of 2012 passed by Irinjalakuda Family Court Kerala which lacks jurisdiction, thereby dissolving the marriage between petitioner and respondent by a decree of divorce; as nullity, as the same is passed illegally, violating rights to equality before law, right to freedom of speech, and also violating right to life with dignity of both petitioner and her son.

(ii) issue appropriate writ setting aside order dated 26.03.2011 in IA 695 of 2011 by Thrissur Family Court giving direction to S.H.O. to produce the minor son before the Court for the purpose of interaction and spending time with the respondent in court premises as interim order in Divorce proceedings filed by him; as the same is violating fundamental right of personal liberty guaranteed under Article 19 and right to life with dignity guaranteed under Article 21 of Constitution of India.

(iii)issue appropriate writ/direction to the respondent to comply with lower court decree of restitution of conjugal rights passed by Family Court Mumbai in favour of petitioner and her minor son, by taking accommodation and school admission."

Since, the petitioner is having an alternative remedy, we are not inclined to entertain the writ petition.

The writ petition is accordingly dismissed.

| (Parveen Kr.Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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