

## XXX Vs XXX

**Court:** High Court Of Kerala

**Date of Decision:** Jan. 9, 2025

**Hon'ble Judges:** Devan Ramachandran, J; M.B. Snehalatha, J

**Bench:** Division Bench

**Advocate:** K.T.Thomas, N.Sunil, Nikhil Berny, Basil Mathew

**Final Decision:** Disposed Of

### Judgement

Devan Ramachandran, J.

1.Ã, We do not propose to consider this review petition on its merits for the singular reason that it is conceded that, subsequent to our judgment, the

learned Family Court has passed Annexure 5 order.

2. Sri.K.T.Thomas Ãçâ,-" learned counsel for the petitioner, pointed out that the safeguards embedded by this Court in the judgment are now being

misused by the respondent in denying custody of the child. He alleged that when this Court said that no force shall be used and that the child shall be

exchanged only in front of the residence of the respondent, the latter is using it as a ruse to deny custody, making untenable allegation that force is still

being used. He, therefore, prayed that this petition be allowed.

3. As we have said above, we do not propose to pass orders on merits in this matter because, we can certainly issue appropriate orders when

Annexure 5 order is challenged before this Court. In fact, Sri.K.T.Thomas concedes that his client has filed an Original Petition against the same.

4. We, therefore, close this review petition, clarifying that nothing contained in the judgment will preclude us from deciding the Original Petition to be

filed by the petitioner against Annexure 5 on its merits and all ambits.

This petition is thus closed.