



2024/KER/12384

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

&

THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR

MONDAY, THE 19<sup>TH</sup> DAY OF FEBRUARY 2024 / 30TH MAGHA, 1945

OP (FC) NO.82 OF 2024

OP 876/2019 OF FAMILY COURT, TIRUR

-----

**PETITIONER/PETITIONER/1ST RESPONDENT :-**

FIROSE M.A, AGED 41 YEARS  
S/O.SALAM, MUSLIYARAKATH ARACKAL HOUSE, PUZHAMBRAM,  
BIYYAM P.O, MALAPPURAM DISTRICT, PIN - 679 576.

BY ADV K.ABOOBACKER SIDHEEQUE

**RESPONDENT/RESPONDENT/1ST PETITIONER :-**

HASEENA, AGED 33 YEARS  
D/O.ABDUL SALAM, NURUKKUPARAMBIL HOUSE,  
EDAPPAL AMSOM, THALAMANDA DESOM, PONNANI TALUK,  
MALAPPURAM DISTRICT, PIN - 679 576

BY ADV MUHAMMAD SAJU. N

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON  
06.02.2024, THE COURT ON 19.02.2024 DELIVERED THE FOLLOWING:



-: 2 :-

**ANU SIVARAMAN, J. & C. PRATHEEP KUMAR, J.**

**O.P.(FC) No.82 of 2024**

**Dated this the 19<sup>th</sup> day of February, 2024**

**JUDGMENT**

**Anu Sivaraman, J.**

This OP(FC) is filed by the 1<sup>st</sup> respondent in O. P. No.876/2019 before the Family Court, Tirur. The OP was filed by the respondent wife seeking return of gold ornaments, money and seeking maintenance. The contention was that the marriage was on 30.4.2016 and it was alleged that the wife left the matrimonial home on 13.2.2019 and the parties have been living separately since then.

2. Ext.P1 is the copy of the OP before the Family Court. It was alleged in the OP that the respondent wife had 68 sovereigns of gold ornaments which were entrusted with her husband, who is the petitioner herein and that he had mortgaged the said gold ornaments with the KSFE. Ext.P2 objection had been filed by the petitioner denying the said contentions. Thereafter, the respondent herein filed I.A.No.2/2022 seeking to summon the Branch Manager, KSFE, Ponnani Branch to produce the details of gold pledged by the



-: 3 :-

petitioner since 2016. The petitioner had filed Ext.P4 objections to the said I.A. stating that he used to pledge gold ornaments of his sister in his name since 2012, much prior to the marriage which was solemnized in 2016 and he had also sought that the gold ornaments pledged with the KSFE should be brought before Court so that it can be ascertained whether the gold ornaments were purchased from the Avatar Jewellery, Edappal and Aiswarya Jewellery, Edappal as stated by the petitioner in the OP. He had also filed I.A. No.3/2023 to direct the Branch Manager, KSFE, Ponnani Branch to produce the stock register of gold ornaments pledged by the petitioner since 2012, to bring the gold ornaments pledged by the petitioner with the KSFE before the court and also to produce the details of locker facility used by the petitioner since 2013. It is submitted that by Ext.P6 order, I.A. No.3/2023 was partly allowed directing the production of attested copy of the register showing the details of pledge made by the petitioner from 2012 onwards and showing the description of the gold ornaments pledged and the relevant locker register.



-: 4 :-

3. The learned counsel for the petitioner submits that it is only if the gold itself is produced that it can be ascertained from examining the gold whether it was purchased from the Avatar Jewellery, Edappal and Aiswarya Jewellery, Edappal as stated by the respondent herein in her OP. It is, therefore, contended that there may be a direction issued to the Family Court to direct the production of the gold kept in the locker itself.

4. Having considered the contentions advanced, we notice that the contention of the petitioner before the Family Court was that he has been pledging gold from 2012 onwards and that the said gold that he pledged belonged to his sister. It is admitted that the marriage was in 2016. However, we notice that the Family Court has directed the production of the entire register with regard to the pledging of gold by the petitioner, such register would show when the gold was pledged by the petitioner. The details of the pledge showing the description of the gold ornaments pledged and the locker register has also been directed to be produced. The contention of the petitioner herein is that the gold should also be produced to verify from



-: 5 :-

which jewellery the gold has been purchased. We are of the opinion that since all the relevant materials have been directed to be produced, the contention of the petitioner that the gold should also be produced so as to examine as to which jewellery it was purchased from cannot be accepted.

In the light of Ext.P6 order which directs the production of all relevant materials, we are of the opinion that the contentions in the OP(FC) are devoid of merits. The OP(FC) fails and the same is, accordingly, dismissed.

**Sd/-  
ANU SIVARAMAN  
JUDGE**

**Sd/-  
C. PRATHEEP KUMAR  
JUDGE**



**APPENDIX OF OP (FC) 82/2024**

PETITIONER EXHIBITS :-

- Exhibit-P1 A TRUE COPY OF THE O.P NO.876/2019 OF THE FAMILY COURT, TIRUR DATED 21.12.2019.
- Exhibit-P2 A TRUE COPY OF THE COUNTER STATEMENT FILED IN O.P NO.876/2019 OF THE FAMILY COURT, TIRUR DATED 13.01.2022.
- Exhibit-P3 A TRUE COPY OF THE I.A NO.2/2022 IN O.P NO.876/2019 OF THE FAMILY COURT, TIRUR DATED 19.12.2022.
- Exhibit-P4 A TRUE COPY OF THE OBJECTION FILED IN I.A NO.2/2022 IN O.P NO.876/2019 OF THE FAMILY COURT, TIRUR DATED 10.01.2023.
- Exhibit-P5 A TRUE COPY OF THE I.A NO.3/2023 IN O.P NO.876/2019 OF THE FAMILY COURT, TIRUR, DATED 21.08.2023.
- Exhibit-P6 A TRUE COPY OF THE ORDER DATED 11.10.2023 IN I.A NO.3/2023 IN O.P NO.876/2019 OF THE FAMILY COURT, TIRUR.