



Mat.Appeal No.296 of 2026

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2026:KER:37012

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

TUESDAY, THE 26<sup>TH</sup> DAY OF MAY 2026 / 5TH JYAISHTA, 1948

MAT.APPEAL NO. 296 OF 2026

AGAINST THE ORDER DATED 23.02.2026 IN IA 1/2025 AND IA  
NO.16 OF 2025 OF FAMILY COURT, NORTH PARAVUR  
OP NO.329 OF 2024 OF FAMILY COURT, NORTH PARAVUR

APPELLANT/PETITIONER/RESPONDENT:

SUJITHRA P.A  
AGED 33 YEARS  
D/O AYYAPPANKUTTY, PALLATH HOUSE, PULIPARAMBU,  
POYYA P.O., THRISSUR, PIN - 680733  
BY ADVS. SHRI.V.A.HAKEEM  
SMT.HABNAM HAKEEM  
SHRI.RAHUL O.  
SMT.NIFITHA K.A.  
SMT.HIMA M.  
SHRI.RAHSAL RAHMAN  
SMT.VARSHA S. DAS  
SMT.NIRANJANA K. S.

RESPONDENT/RESPONDENT/PETITIONER:

ANISHKUMAR T.R.  
AGED 43 YEARS  
S/O RAJAN T.S., THUNDATHIL HOUSE,  
PUTHENVELIKKARA P.O., NORTH PARAVUR, ERNAKULAM,  
PIN - 683594

BY ADV SRI.N.K.SUBRAMANIAN

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON  
26.05.2026, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



## JUDGMENT

"C.R."

PREETA A.K., J.

The appellant who was the respondent in O.P.No.329/2024 on the files of Family Court, North Paravur, has filed this Mat.Appeal challenging the orders of the Family Court, North Paravur, dismissing I.A.No.1/2025 and I.A.No.16/2025 in O.P.No.329/2024.

2. O.P.No.329/2024 was filed by the husband/respondent herein seeking a decree of divorce. In the proceedings before the Family Court, the appellant/wife was set *ex parte*. *Vide* order dated 10/09/2024, the Family Court, N.Paravur granted an *ex parte* decree of divorce. On coming to know of the decree, the appellant filed an application for setting aside the *ex parte* decree along with an application for condoning the delay of 160 days in filing the application for setting aside the *ex parte* decree. The reason for delay as raised by the appellant was that the registered notice from the Family Court was not served on the appellant.

3. *Vide* order dated 04/08/2025, the Family Court, N.Paravur, allowed the application on payment of cost of ₹3,000/- to the respondent. Aggrieved thereby, the respondent herein filed an appeal before this Court as Mat.Appeal No.816 of 2025. This Court, after considering the rival contentions, set aside the order passed by the Family Court and directed the Family Court to reconsider the matter



on merits after granting an opportunity to the parties for leading evidence as the matter involved disputed questions of facts. On remand, the trial court permitted both parties to let in evidence and based on the evidence on record, dismissed the petitions filed by the appellant. Aggrieved thereby, this Mat.Appeal is preferred.

4. The appellant in this Mat.Appeal has reiterated her contention that she was unaware of the pendency of the original petition seeking divorce and that the summons issued from the trial court through registered post was accepted by someone else by impersonation and that her signature was forged in the acknowledgment due card. Both parties adduced evidence and the appellant examined the Postmaster and the Postman as PW1 and PW2 respectively and Exts.X1 and X2 were marked through them. The respondent produced Exts.B1 to B3 documents. The Family Court considered the evidence of PW1 wherein he had categorically stated that the signatures in Exts.X1 and X2 delivery manifest and the signatures in the acknowledgment due card are similar even if the signature in a recent vakalath of the appellant filed in Family Court is different. The Family Court also relied on the statement of PW1 that Ext.B1 postal article containing Aadhaar number of the recipient and the postal records indicate that the disputed postal articles were personally served to the addressee based on the identity proof. This was corroborated by PW2 wherein he has stated that the postal articles



referred to in Exts.X1 and X2 were served by him to the addressee referred therein and that since the addressee was not familiar to him, during the delivery of the first postal article referred in Ext.X1, he had verified the identity by perusing the identity card of the addressee who alone was present inside the house and he could directly serve both the postal articles referred in Exts.X1 and X2 and noted the Aadhaar card number of the addressee in Ext.X1 delivery manifest. He added that the appellant had thereafter signed in the acknowledgment card as well as the delivery manifest in his presence. It is also seen from the records that the respondent had produced certified copies of marriage register and vakalath dated 24/03/2023 submitted by the appellant in connected O.P.No.969/2023 and the court had compared the signatures with the disputed signature found in acknowledgment card and found that they were similar. Therefore relying on the oral testimony of PW1, PW2 and the admitted signature of the appellant in Exts.B2 and B3 documents, the Family Court came to the conclusion that two registered notices issued from Family Court, N.Paravur, were served on her on 06/06/2024 and on 09/07/2024 respectively, and thus rejected the contention of the appellant regarding non-receipt of the notices from Family Court. The interlocutory applications filed by the appellant were thus dismissed.

5. On an appreciation of the findings on record, we find that the Family Court has appreciated the evidence in its right perspective



and in view of the overwhelming evidence regarding service of notice on the appellant, it could only have dismissed the petition.

6. In matrimonial disputes especially in the matters relating to dissolution of marriage, delay in challenging the order of the Family Court is fatal as there are chances of parties altering their status after the appeal period, as in this case. After the appeal period, the respondent has contracted another marriage on 07/03/2025. Great care and caution has to be exercised while condoning the delay in filing the application for setting aside *ex parte* decrees after the appeal period as it has the effect of affecting the rights of third parties.

7. We find no illegality or perversity in the findings of the Family Court and hence there is no reason to interfere with the orders impugned.

Accordingly, the Mat. Appeal is devoid of merits and is dismissed. No costs.

Sd/-

**DR.A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

Sd/-

**PREETA A.K.**  
**JUDGE**

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