



IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

Friday, the 17th day of October 2025 / 25th Aswina, 1947

WP(C) NO. _____ (FILING NO.)

OP 516/2021 OF FAMILY COURT, ERNAKULAM

PETITIONER(S)/DISPOSED FOR NON APPEARANCE:

BY SMT. ELIZABETH MATHEW(Party-In-Person)

RESPONDENT(S)/DISPOSED:

This Un.Numbered Writ petition (civil)---/2025
(Filing.No.34553/2025) having come up for orders on 17.10.2025, the court
on the same day passed the following:



(P.T.O)



'CR'

DEVAN RAMACHANDRAN & M.B.SNEHALATHA, JJ.-----
W.P.(C) Filing
-----Dated this the 17th day of October, 2025**O R D E R****Devan Ramachandran, J.**

The petitioner, through this Writ Petition, attempts to assail the judgment and decree of the learned Family Court, Ernakulam, dated 20.09.2022, in O.P.No.516/2021, through which it granted divorce to the respondent from her.

2. Instead of a statutory appeal, entitled to the petitioner under Order XVI of the Code of Civil Procedure, she filed this Writ Petition seeking non-specific reliefs.

3. The Registry has marked several defects in the case - the primary of them is that such a Writ Petition will not lie.

4. The petitioner, however, has refused to cure the defects; and resultantly, the matter is listed before us to decide if this Writ Petition is deserving to be numbered.



5. Being a matter of procedure, we would have made a brief order; but the petitioner insisted that each of her contentions be answered in detail. Her comportment, as we will presently show, was very combative.

6. The petitioner appearing in person, claims to be an Advocate and initially appeared in full professional robes to represent herself. We intimated her that this is impermissible and she rudely rebuked us, saying that no one can force her to remove her robes. She insisted that, she being an Advocate, is entitled to wear her gown even when arguing for herself; and insinuated that the Bench is refusing to hear her wearing her gown with "evil thoughts" (sic). We did not respond to this, exercising restraint and kept the matter passed over for ten minutes, to diffuse the baffling situation that the petitioner was attempting to create.

7. At this time, a few right-thinking Advocates at the Bar intervened; and acceding to their advice, the petitioner removed her Advocate's gown - though retaining her band, and began to address us.

8. The petitioner asserted that the ex parte judgment and decree in O.P.No.516/2021 of the learned



Family Court issued against her are "null and void" and hence that a Writ Petition against it would lie, under Article 32 of the Constitution of India. According to her, she is not "obliged" to file an appeal against the impugned judgment and decree because it has been issued after declaring her ex parte illegally and hence they require to be construed as "null and void".

9. Incredulously, the petitioner then submitted that, since the respondent - her husband, has alleged in the Original Petition that she is suffering from psychological issues, the learned Family Court ought to have ensured the presence of her "family members" and then to have conducted an enquiry against her - under Order XXXII, Rule 15 of the C.P.C. - even though she had failed to appear before it. She vehemently argued that, since this was not done, the impugned judgment and decree are "non est" in law; and consequently, that a writ of certiorari, under Article 32, can be sought to be issued against them, since the same have been issued against an "insane defendant" (sic).

10. As will be the case of any reasonable mind, we were totally taken aback by the above submissions of the petitioner.



11. But, there was no way for us to reason with the petitioner, because she refused to listen, raising her voice and demanding that we order the Writ Petition to be numbered and then allow it forthwith.

12. Further, the petitioner concedes that she has not applied before the learned Family Court to have the impugned judgment and decree set aside - invoking Order IX, Rule 13 of the C.P.C.; but maintained that she will not do so, since they are "null and void".

13. To exacerbate, the petitioner then asserted that she has no mental incapacity to defend herself or to prosecute the Writ Petition. But she still contented that, since the respondent had made such an allegation against her, the learned Family Court ought to have initiated and conducted enquiry under Order 32, Rule 15 of the C.P.C, notwithstanding that she had not appeared before it, to be thus set ex parte.

14. In its crux, and amazingly, the petitioner alleges that the judgment and decree of the learned Family Court is incompetent since it has been issued against "an insane defendant" (referring to herself), without an enquiry. Apart from the fact that no Court can be asked



to conduct an enquiry when the party refuses or fails to appear, it is also undoubted that if one is to accept this contention, then the petitioner cannot maintain this Writ Petition either, for the very same reason. But, before this Court, she says she is without any cognitive incapacity and does not seek any enquiry. She is clearly blowing hot and cold, in a rather confused tenor.

15. That said, as seen above, the petitioner asserts that this petition should be construed as one filed under Article 32 of the Constitution of India. It is amazing that the petitioner, who claims to be an Advocate, contends so before this Court.

16. Pertinently, the impugned judgment and decree has granted divorce to the respondent only under Section 10(1)(x) of the Divorce Act, namely on the ground that the petitioner has treated him with cruelty. Of course, they were issued solely based on the evidence tendered by the respondent, since the petitioner remained ex parte.

17. Add to all the above, the impugned judgment and decree was issued on 20.9.2022. This Writ Petition was filed only on 16.9.2025, after three years. The delay is not explained in the pleadings; but the petitioner



predicates that a "null and void" decree can be assailed anytime, invoking writ jurisdiction.

18. Suffice to say, the defects noticed by the Registry are justified; and are hence sustained. However, this will not preclude the petitioner from filing a properly constituted appeal as per law.

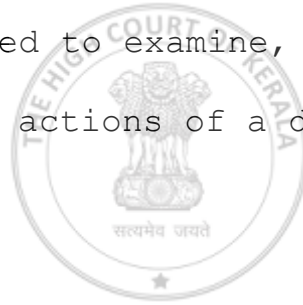
19. Sensing our opinion, the petitioner began to speak intemperately, imputing us of not knowing the law and being "undeserving" judges. She even made an obnoxious and perverse statement that the Bench is refusing to hear her wearing her robes, because it wants her body to be exposed. We are not reproducing her exact words, since it will surely breach all norms of civility; but we were shocked and petrified, to say the least.

20. Abhorrent and reprehensible as it surely is, we choose not to take cognizance of the petitioner's behaviour; but record that we are aghast that an Advocate - if she indeed is one - has stooped so low. We leave it there!

As an epilogue, assuming the petitioner is an Advocate - as she claims - we find it alarming for the profession that she appears oblivious of the most basic



and rudimentary concepts that an Advocate cannot appear party in person in professional robes; or that Article 32 of the Constitution cannot be invoked before a High Court. Add to this, her deliberately unrestrained and unbridled deportment, in total and absolute breach of decorum, propriety and decency, imperative in a Court, makes us suspect strongly if she is an Advocate; and if she really is, how she can be allowed to enjoy the privilege to practice law. This is for the Bar Council and the Bar Association concerned to examine, lest the profession lose its nobility by the actions of a deviant few.

*sd/-***DEVAN RAMACHANDRAN, JUDGE***sd/-***M.B.SNEHALATHA, JUDGE**

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