

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Crl.MC.No. 2316 of 2015

**M.C.NO.83/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
PERINTHALMANNA.**
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PETITIONER(S)/COMPLAINANT:

**KONDUPURATH KADEEJA, AGED 51 YEARS,
W/O. MUNDUKKATTIL HUSSAIN, ELAMKULAM VILLAGE,
KUNNAKKAVE P.O., PERINTHALMANNA POLICE STATION.**

BY ADV. SRI.P.M.HABEEB

RESPONDENT(S)/RESPONDENTS:

- 1. MUNDUKKATTIL HUSSAIN, AGED 62 YEARS,
S/O. MAMMUTTI, ELAMKULAM VILLAGE, KUNNAKKAVE P.O.,
PERINTHALMANNA POLICE STATION-679 340.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682 031.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 2316 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: THE PHOTOCOPY OF THE ORDER DATED 24.9.2014.

**ANNEXURE B: THE PHOTOCOPY OF THE COUNTER IN CRL.M.P.NO.3515 OF 2014 IN
M.C.NO.83 OF 2014.**

**ANNEXURE C: THE PHOTOCOPY OF THE ORDER DATED 24.9.2014 IN
CRL.M.P. NO.3516 OF 2014 IN M.C.NO.83 OF 2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C. No.2316 of 2015

Dated this the 26th day of May, 2015

ORDER

The prayers in this Crl.M.C. are as follows:

- “1. The order passed in Crl.M.P.No.3515 of 2014 in M.C.No.83 of 2014 shall not be vacated till the disposal of the case.
2. Direct the 1st respondent to furnish sufficient security before the Court below an amount which is equivalent to the claim made by the petitioner in M.C.No.83 of 2014
3. To pass appropriate orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

2. This Court as per order dated 08/04/2015 had called for a report of the Magistrate concerned. In pursuance thereof the said Magistrate has submitted a report dated 16/04/2015 stating that M.C.83/2014 was filed under Section 12 of the Protection of Women from the Domestic Violence Act on 17/09/2014. CMP No.3515/2014 was filed for an injunction by the petitioner herein (wife) to restrain the respondent herein (husband) from alienating the petition scheduled property and that the court below has granted an order restraining the respondent from alienating the petition scheduled property and that the case stood posted for

hearing on 18/04/2015. CMP 3516/2014 has also filed for interim maintenance by the wife and that the court below has granted interim maintenance at the rate of Rs.5000/- per month and the case stood posted to 18/04/2015 for filing objection.

3. Today when the matter was taken up for consideration Sri.P.M.Habeeb, learned counsel for the petitioner submits that subsequently the court below has passed an order dated 12/05/2015 in CMP No.3515/2014 that the said interim petition is partly allowed and injunction against disposal in relation to item No.1,3, and 4 is confirmed till the disposal of M.C. 83/2014 and injunction order against alienation in relation to item No.2 in the petition schedule is vacated and that the respondent therein is at full liberty to alienate item No.2 by way of sale or otherwise pending the M.C. 83/2014.

4. Having heard the learned counsel for the petitioner and taking into account the totality of the facts and circumstances of the case, it is made clear that the petitioner to work out the remedies in accordance with law, if she has any grievances against the order dated 12/05/2015 now said to have been passed by the court below. Learned counsel for the petitioner

submits that necessary direction may be issued to ensure that respondent husband clears off all the arrears due to the petitioner on account of the interim maintenance order. It is made clear that it will be open to the petitioner to work out her remedies on those aspects of the matter as well.

5. The Magistrate court is bound under the above said Act to dispose of the application filed under sub section (1) of Section 12 thereof within a period of 60 days. Hence it is ordered that the court below shall endeavor to dispose of the main matter pending before that court without any further delay, after reasonable opportunity of being heard to the petitioner and contesting respondent No.1 herein.

With these observations and directions, the Crl.M.C. stands finally disposed of .

Sd/-ALEXANDER THOMAS
JUDGE

MJL