

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 3372 of 2015 ()

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CRRP 65/2010 of ADDITIONAL SESSIONS COURT, OTTAPALAM
MC 60/2004 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MANNARKAD
=====**

PETITIONER/REVISION PETITIONER/RESPONDENT:

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ABDUL HAMEED, AGED 49 YEARS
S/O.LATE ABDU, KATTIKUNNAN HOUSE, PALLIKUNNU P.O.
MANARKKAD TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.VINOY VARGHESE KALLUMOOTTILL
SRI.T.KRAJESHKUMAR**

RESPONDENTS/RESPONDENTS/PETITIONER/STATE:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, 682031.**
 - 2. HAFSATH, AGED 43 YEARS
D/O.KUNHALI, KARIMBANAKKAL HOUSE, PALLIKUNNU P.O.
MANARKKADU TALUK, PALAKKAD, 678583.**

R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A1: COPY OF THE PETITION IN M.C.NO.60/2004 FILED BEFORE THE JFMC
MANARKKAD UNDER SECTION 3 OF THE MUSLIM WOMEN
(PROTECTION OF RIGHTS ON DIVORCE) ACT 1986.**

ANNEXURE-A2: COPY OF THE ORDER IN MC.NO.60/2004 JFMC MANARKKAD.

**ANNEXURE-A3: COPY OF THE ORDER PASSED BY THE ADDITIONAL SESSIONS
JUDGE PALAKKADU DIVISION AT OTTAPPALAM IN
CRL.R.P.NO.65/2010.**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.3372 of 2015

Dated this the 4th day of August, 2015

O R D E R

The petitioner herein is the respondent in M.C.No.60/2004 of the Judicial First Class Magistrate Court, Mannarkkad. It is a proceeding brought under Section 3 of the Muslim Women (Protection of Rights on Divorce) Act. The revision petitioner contested the matter, and resisted the claim made by the claimant under various heads. Both sides adduced evidence in the trial court. The learned Magistrate passed orders in M.C.No.60/2004 on 21.10.2009, directing the revision petitioner herein to make payment of an amount of Rs.94,500/- to the claimant. Aggrieved by the said order, the revision petitioner approached the Court of Session, Palakkad with Crl.R.P.No.65/2010. In revision, the learned Additional Sessions Judge, Ottappalam concurred with the findings of the trial court, and accordingly, dismissed the revision petition. The said order dated 29.01.2014 passed by the learned Additional Sessions Judge is under challenge in this proceeding brought under Section 482 Cr.P.C. Pending the proceeding, the learned counsel for the revision petitioner relinquished the vakalath. In such a

circumstance, notice was given to the revision petitioner to make appearance personally in court. In spite of the notice, he is absent in court, there is no representation on his behalf.

2. On a perusal of the impugned judgment passed by the learned Additional Sessions Judge, I find that the revision was rightly dismissed by the learned judge, confirming the findings of the learned Magistrate. The 2nd respondent herein is admittedly the divorced wife of the revision petitioner. As a divorced Muslim woman, it is her unconditional right under the law to get reasonable and fair provisions from her husband, and also maintenance for a period of three months. On a consideration of all the relevant materials, the learned Magistrate found that the claimant is entitled to get maintenance for three months at the rate of Rs.1,500/- per month, and the learned Magistrate also assessed the amount of reasonable and fair provision, as Rs.90,000/-. In assessing the amount of provision, the court will have to consider so many aspects like the age of the claimant, the number of children born in the wedlock, the period of matrimony, the nature of matrimony, the means of the parties, their social and economic status, and also the lady's prospects for a re-marriage. On a consideration of all these aspects, I find that the

amount of Rs.90,000/- fixed by the trial court is quite reasonable. I find no scope for interference under Section 482 Cr.P.C. The revision was rightly dismissed by the learned Additional Sessions Judge.

In the result, this Crl.M.C. is dismissed in limine, without being admitted to files.

Sd/-

P. UBAID, JUDGE

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