

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA,
1937

Cr1.MC.No. 4615 of 2015

IN M.P NO.294/2015 IN MC 112/2015 of FAMILY COURT,
ERNAKULAM

PETITIONER/RESPONDENT:

MANZOOR T.R, AGED 29 YEARS,
S/O. RAHIM, THOTTATHIPARAMBIL HOUSE, THURUTH,
ALUVA P.O., ERNAKULAM DISTRICT, PIN-683101.

BY ADV. SMT.P.K.PRIYA

RESPONDENTS/PETITIONERS:

1. FASIYA, AGED 23 YEARS,
D/O K.A.SABU, KADAVIL HOUSE, H.NO.39 B,
BHAVANS SOUTH ROAD,
RESIDENCE ASSOCIATION, ELAMAKKARA
COCHIN-682026.
2. NAZRIN (MINOR), AGED 1 YEAR,
D/O. PETITIONER AND THE 1ST RESPONDENT
REPRESENTED BY 1ST RESPONDENT, FASIYA,
AGED 23 YEARS
D/O. K.A.SABU, KADAVIL HOUSE, H.NO. 39 B
BHAVANS SOUTH ROAD, RESIDENCE ASSOCIATION,
ELAMAKKARA
COCHIN-682026.
3. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,

R3 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 16-09-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 4615 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1- COPY OF THE M.P. 294/2015 IN M.C.112/2015
FILED BYTHE RESPONDENTS BEFORE THE FAMILY COURT,
ERNAKULAM.

ANNEXURE A2- COPY OF THE COUNTER FILED BY THE PETITIONER
IN M.P.294/2015 IN MC. 112/2015 BEFORE THE FAMILY COURT,
ERNAKULAM.

ANNEXURE A3- COPY OF THE ORDER DATED 10-06-2015 IN
M.P.294/2015 IN M.C.112/2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4615 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioner herein is the respondent in M.C No.112/2015 of the Family Court, Ernakulam. He is aggrieved by the order, granting interim maintenance under Section 125 of the Code of Criminal Procedure, and the prayer sought is to quash the said order. In **Kaladharan v. Kavitha (2014(3) KLT 220)** this Court has settled the position that revision petition will not lie against such an interim order. This Court has also made it clear that such an order is only an interlocutory order, which is always subject to final orders to be passed, and the remedy available to the aggrieved person is to approach the trial court itself for appropriate modification in the interim order. When it stands settled that such an order is not amenable to revision under Section 19(4) of the Family Courts Act, and when the remedy is also clarified, that the respondent will have to approach the trial court itself for appropriate modification, such an order cannot be quashed by the High Court under Section

482 of the Code of Criminal Procedure. Accordingly, I find that this petition cannot be entertained under Section 482 of the Code of Criminal Procedure. If the petitioner wants any modification, or even cancellation of the interim order, he will have to approach the trial court itself with appropriate application.

With these observations this Crl.M.C is disposed of.

**P.UBAID
JUDGE**

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