

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 5364 of 2015

ORDER DATED 13-07-2015 IN MC 26/2015 OF FAMILY COURT, IRINJALAKUDA

PETITIONER(S)/RESPONDENT:

**RAJESH P.R., AGED 38,
S/O. RAMANADHAN NAIK, POZHANKAVIL,
THEKKAMADATHIL HOUSE, SREENARAYANAPURAM VILLAGE,
KODUNGALLORE TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S)/STATE OF KERALA AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.**
- 2. RAMANADHA NAIK, AGED 64,
S/O. VENKITESWARA NAIK,
POZHANKAVIL THEKKEMADATHIL HOUSE,
SREENARAYANAPURAM VILLAGE, KODUNGALLORE TALUK,
THRISSUR DISTRICT - 680 001.**
- 3. PUSHPA RAMANADHAN, AGED 59,
W/O. RAMANADHA NAIK
POZHANKAVIL THEKKEMADATHIL HOUSE,
SREENARAYANAPURAM VILLAGE, KODUNGALLORE TALUK,
THRISSUR DISTRICT - 680 001.**

R1 BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**A1 - A TRUE COPY OF MAINTENANCE APPLICATION FILED BY THE RESPONDENTS
2 AND 3 AS MC 26/2015 BEFORE THE FAMILY COURT, IRINJALAKUDA.**

A2 - THE OBJECTION FILED BY THE PETITIONER IN MC 26/2015 DTD. 23.3.2015.

A3 - THE TRUE COPY OF THE AFFIDAVIT FILED BY THE PETITIONER DTD. 13.7.2015.

**A4 - THE TRUE COPY OF OS 152/2014 BEFORE THE SUB COURT IRINJALAKUDA
DTD. 09.10.2014 FILED BY THE PETITIONER.**

**A5 - THE INTERIM MAINTENANCE ORDER PASSED BY THE FAMILY COURT
IRINJALAKUDA IN MC 26/2015 DTD. 13.7.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No.5364 of 2015

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Dated this the 13th day of August, 2015

ORDER

The order under challenge is one and Annexure-5 whereby interim maintenance at the rate of Rs.2000/- each was ordered to be given to the two petitioners in the M.C.26/2015 on the file of the Family Court, Irinjalakuda, for the period from August, 2015 onwards. The main ground taken by Sri.Sreekumar G Chelur is that no prayer for interim maintenance in the main maintenance claim was made and further that the maintenance claim petitioners (who are the parents of the petitioner herein) have 4 acres of property and that they have already sold four items of commercial property by which they have already more than Rs.1 crore as deposits and over and above this they have more than Rs.50 Lakhs as bank deposits etc. In view of the fact that Annexure -5 is only a order regarding interim maintenance and as the main Maintenance Claim petition is pending before the court below, this Court is of the

considered opinion that the extraordinary discretion conferred on this Court under Section 482 of the Code of Criminal Procedure need not be invoked in the facts of this case. It is for the petitioner to file an appropriate application for modification of impugned Annexure-5 order before the court below stating these objections and also producing credible materials before the court below to convince the court about the correctness of such factual assertions upon which the court below will consider such application and pass necessary orders thereon after hearing both sides. This shall be done within a period of six weeks from the date of filing of any such application for modification of the impugned order. The petitioner shall produce a certified copy of the order before the court below.

The Crl.M.C. stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL