

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

CrI.MC.No. 6093 of 2015 ()

CMP NO.38/2014 IN MC No.128/2008 OF THE FAMILY COURT, THIRUVALLA

PETITIONER/RESPONDENT:

**REJI M.T., AGED 43 YEARS
AGED 43 YEARS, S/O.N.T. THANKAPPAN
NELLITHARA REJI BHAVAN
PALLARI MANGALAM
MAVELIKKARA VILLAGE AND TALUK
ALAPPUZHA DISTRICT**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENTS/PETITIONERS 1,2 AND STATE:

- 1. SOBHA REJI, AGED 37 YEARS
D/O. ALEXANDER THOMAS
MANALIKKEL HOUSE, CHACKOBHAGOMMURI
KALLOOPPARA VILLAGE, PATHANAMTHITTA DISTRICT**
- 2. NEETHU REJI (MINOR), AGED 16 YEARS
D/O. SOBHA REJI, REPRESENTED BY HER
MOTHER AND GUARDIAN SOBHA REJI
AGED 37 YEARS, D/O. ALEXANDER THOMAS
MANALIKKEL HOUSE, CHACHOBHAGOMMURI
KALLOOPPARA VILLAGE, PATHANAMTHITTA DISTRICT**
- 3. STATE OF KERALA REPRESENTED BY S.I. OF POLICE
KEEZHVAIPUR POLICE STATION, PATHANAMTHITTA DISTRICT
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**

R3 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 PHOTOCOPY OF ORDER DATD 25.04.2009 IN M.C.NO.128/2008
OF FAMILY COURT, THIRUVALLA**

**ANNEXURE A2 PHOTOCOPY OF CMP NO.38/2014 IN M.C.NO.128/2008 OF
FAMILY COURT, THIRUVALLA**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.6093 of 2015

Dated this the 11th day of September, 2015

O R D E R

The petitioner herein is the respondent in M.C.No.128/2008 of the Family Court, Thiruvalla, which was disposed of on 25.04.2009, granting maintenance to the first claimant at the rate of Rs.5,000/- per month and to the 2nd claimant at the rate of Rs.1,250/- per month. Now, the claimants have made an application for execution wherein they have claimed a total amount of Rs.68,750/-. The claim is pending as CMP No.38/2014. The petitioner's grievance is that the said claim is barred by limitation. So, he seeks orders from this Court under Section 482 Cr.P.C. quashing the said application for execution.

2. On hearing the learned counsel and on perusal of the materials, I find that this petition cannot be entertained by this Court. The petitioner will have to approach the court below, raise his contention there if at all there is limitation, and the dispute will have to be adjudicated by the Family Court. It is not not known why the petitioner has come before this Court under Section 482

Cr.P.C., when his actual remedy lies in the court below. This sort of unnecessary applications cannot be entertained by the High Court.

With the above observations, this Crl.M.C. is closed.

Sd/-

P. UBAID, JUDGE

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