

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Cr1.MC.No. 6121 of 2015

IN MC 114/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHENGANNUR

AGAINST THE INTERIM ORDER DATED 22.7.2015 IN CRL.M.P
NO.417/2015 IN CRL.A NO.183/2015 OF THE ADDITIONAL SESSION'S
COURT I, MAVELIKKARA

PETITIONER/PETITIONER/APPELLANT:

GOPALAKRISHNAN, AGED 58 YEARS,
S/O.LATE THIRUVANKUTTY, "JIJI BHAVANAM",
VANUVATHUKKARA,
THIRUVANDOOR VILLAGE, ERAMALIKKARA P.O,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS/RESPONDENTS/RESPONDENTS:

1. G.ASWATHY, AGED 29 YEARS,
D/O.RETHNAMMA, PALANIKUNNIL HOUSE, NEERVILAKAM,
KIDANGANNUR VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA-682015.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.

R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6121 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE ORDER DATED 22-7-2015 IN
CRA.NO.183/015 BY THE ADDITIONAL SESSIONS COURT-I,
MAVELIKKARA.

ANNEXURE 2 : COPY OF THE PETITION DATED 10-2-2012 IN
MC.15/2012 BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHENGANNUR.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6121 of 2015

Dated this the 14th day of September, 2015

O R D E R

The petitioner herein is the respondent in M.C No.114/2014 of the Judicial First Class Magistrate Court I, Chengannur. It is a proceeding brought under Section 12 of the Protection of Women from Domestic Violence Act (DV Act). The learned Magistrate passed an interim order in the said proceeding, granting maintenance to the claimant. The said order was challenged in appeal under Section 29 of the DV Act before the learned Additional Sessions Judge I, Mavelikkara. The learned Additional Sessions Judge granted stay of the proceedings in the trial court, on condition. As a condition for stay, the petitioner herein is directed to make payment of interim maintenance at the rate of ₹1,500/- per month. The said conditional order of stay dated 22.7.2015 in Crl.M.P No.417/2015 is under challenge.

2. On hearing the learned counsel and on a perusal of the materials, including the impugned order I find that if the

petitioner wants or seeks cancellation of the order or modification of the order, he will have to approach the learned appellate judge. I feel it inappropriate to usurp into the powers of the learned appellate judge and modify the conditional stay order granted in appeal. Even otherwise, interference in the impugned order is felt not necessary, because I do not think that a direction to pay interim maintenance at the rate of ₹1,500/- per month will cause any hardship to the petitioner.

With the above observations this Crl.M.C is disposed of without being admitted to files.

**P.UBAID
JUDGE**

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