

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.Rev.Pet.No. 447 of 2015 (A2)

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AGAINST THE JUDGMENT IN CRA 75/2014 of ADDL.D.C. & SESSIONS COURT - V,
THIRUVANANTHAPURAM DATED 13.01.2015**

AGAINST THE ORDER IN MC 25/2013 of J.M.F.C.-II, NEDUMANGAD DATED 10.01.2014

REVISION PETITIONER(S)/APPELLANTS/PETITIONERS :-

- 1. NISHA T.DEV, D/O. THANKAM, T.C 10/2107, VARUMBIL,
ARIKKONAM, KANJIRAM PARA, THIRUVANANTHAPURAM.**
- 2. MADHAVAKRISHNAN (MINOR), S/O. MURUKESH KUMAR,
T.C. 10/2107, VARUMBIL, ARIKKONAM, KANJIRAM PARA,
THIRUVANANTHAPURAM, REPRESENTED BY HIS
MOTHER NISHA T. DEV (1ST PETITIONER)**

BY ADV. SRI.BASANT BALAJI

RESPONDENT(S)/PETITIONER/COUNTER PETITIONER :-

- 1. MURUKESH KUMAR,,S/O. MANI,
ATHIRA BHAVAN, ASARIVILA,
PAVATHINVILA, PARASSALA P.O.,
THIRUVANANTHAPURAM - 695 026.**
- 2. SAKUNTHALA, W/O. MANI, ATHIRA BHAVAN, ASARIVILA,
PAVATHINVILA, PARASSALA P.O.
THIRUVANANTHAPURAM - 695 026.**
- 3. S. MANI, ATHIRA BHAVAN, ASARIVILA, PAVATHINVILA,
PARASSALA P.O., THIRUVANANTHAPURAM - 695 026.**
- 4. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI - 682 031.**

R1-R3 BY ADV. SRI.NAGARAJ NARAYANAN

R2-R3 BY ADVS. SRI.SAIJO HASSAN

SRI.BENOJ C AUGUSTIN

SRI.PRATHAP PILLAI

SRI.SEBIN THOMAS

SRI.R.S.SARAT

SRI.VIVEK V. KANNANKERI

SMT.J.KASTHURI

SRI.VISHNU BHUVANENDRAN

R4 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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Crl.R.P.No.447 of 2015

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Dated this the 27th day of October, 2015

ORDER

The revision petitioners herein are the petitioners in MC No.25 of 2013 of the Judicial First Class Magistrate Court-II, Nedumangadu. It is a proceeding brought under Section 12 of the Protection of Women from Domestic Violence Act(DV Act). In the said proceeding, the learned Magistrate granted interim relief in favour of the petitioners under Section 23 of the DV Act, directing the respondent herein to pay maintenance to his wife and child at the rate of Rs.2,000/- per month each. The said interim order dated 10.01.2014 passed by the trial court was challenged in appeal by the revision petitioners on the contention that the amount awarded by the trial court is too low. On hearing both sides, the learned 5th Additional Sessions Judge, Thiruvananthapuram dismissed the revision petitioner's Crl.

Appeal No.75 of 2014 by judgment dated 13.01.2015. The revision petitioners are aggrieved, and their demand is something more than Rs.2,500/- each per month as maintenance.

2. On hearing both sides on admission, I find no scope for interference in the orders passed by the courts below. The learned Magistrate was already granted Rs.2,500/- each per month as an interim measure. Such an order is always subject to appropriate modification by the trial court itself. If at all any modification is required, and if the petitioners need something more in the changed circumstances they can very well approach the trial court itself for appropriate modification. The claim is that of 2013. I think it appropriate to direct the trial court to dispose of the main proceeding itself within a period of three months. The interim order passed by the Court is subject to final orders in the main proceeding. What is ordered under Section 23 is always an interim arrangement. The appropriate amount of maintenance will be decided by the trial court in the main proceeding itself on the basis of evidence adduced on both

sides. I find no reason or ground for interference in revision, in the orders passed by the courts below.

In the result, this Revision Petition is dismissed in limine, without being admitted to files, however, directing the trial court to dispose of MC No.25 of 2013 within a period of three months.

Sd/-

**P.UBAID
JUDGE**

rkj

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P.A. TO JUDGE