

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.Rev.Pet.No. 385 of 2014 ()

AGAINST THE ORDER IN CRA 329/2012 of ADDL.DISTRICT COURT-
I,MAVELIKKARA DATED 31-10-2013

AGAINST THE JUDGMENT IN MC 144/2010 of J.M.F.C.-I, MAVELIKKARA DATED
04-08-2012

REVISION PETITIONER/IST RESPONDENT:

BALACHANDRAN, AGED 37 YEARS
THATTATHARA VADAKKETHIL, KANNAMANGALAM SOUTH
KANNAMANGALAM CHETTIKULANGARA P.O, MAVELIKARA 690106

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENTS/ APPELLANTS & RESPONDENTS 2 & 3 & STATE:

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1. CHITHRA,, AGED 24 YEARS
D/O LEELA, RAMALAYAM, KANNAMANGALAM NORTH
CHETTIKULANGARA P.O, MAVELIKARA 690106
 2. DEVIKA, AGED 4 YEARS
D/O CHITHRA, RAMALAYAM, KANNAMANGALAM NORTH
KANNAMANGALAM VILLAGE
MAVELIKKARA REPRESENTED BY HER MOTHER CHITHRA,
RAMALAYAM, KANNAMANGALAM NORTH, CHETTIKULANGARA P.O
MAVELIKARA 690106
 3. RAMACHANDRAN,
THATTATHARA VADAKKETHIL, KANNAMANGALAM SOUTH
CHETTIKULANGARA P.O, MAVELIKARA 690106
 4. VANAJAKSHI,
W/O RAMANCHANDRAN, THATTATHARA VADAKKETHIL
KANNAMANGALAM SOUTH, CHETTIKULANGARA P.O
MAVELIKARA 690106
 5. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031

R3& 4 BY ADV. SMT.JISHAMOL CLEETUS
R1-R2 BY ADV. SMT.S.L.SYLAJA
R5 BY PUBLIC PROSECUTOR SRI.JIBU P THOMAS

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

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Crl.R.P.No.385 of 2014

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Dated this the 26th day of March, 2015

ORDER

Respondents 1 and 2 herein, as petitioners had filed M.C.No.144/2010 before the Judicial First Class Magistrate's Court-I, Mavelikkara under Section 12 of the Protection of Women from Domestic Violence Act against the petitioner herein as well as respondents 3 and 4 herein, as counter petitioners. The trial court, after a full fledged trial, dismissed the M.C as against counter petitioners 2 and 3, who are respondents 3 and 4 herein. The M.C. was allowed as against the petitioner herein and he was directed to pay an amount of Rs.1000/- per month by way of maintenance to each of respondents 1 and 2 herein. Other reliefs sought for were refused.

2. Challenging the inadequacy of the amount of maintenance ordered by the trial court, respondents 1 and 2 herein took the matter in appeal before the Additional Session Court-I, Mavelikkara through Criminal Appeal No.329/2012. The Appellate Court modified the order passed by the trial court by

enhancing the amount of maintenance to the 1st respondent herein from Rs.1000/- to Rs.3000/- and the 2nd respondent herein from Rs.1000/- to Rs.2000/-. Aggrieved by the said order, the petitioner come up in revision.

3. On hearing the parties at length and on perusal of the records, I do not think that any interference is called for in the view taken by the Appellate Court in the matter. The 1st respondent is admittedly the wife of the petitioner and the 2nd respondent is none other than his child born in the 1st respondent. The amount of maintenance allowed by the trial court was, no doubt, totally inadequate. The Appellate Court has taken the view that the 1st respondent is entitled to get an amount of Rs.3000/- per month as maintenance and the 2nd respondent is entitled to get an amount of Rs.2000/- per month as maintenance.

4. Considering the present scenario, this Court is of the view that even the said amount is inadequate and therefore no interference is called for in the said decision taken by the Appellate Court. The decision rendered by the Appellate Court does not suffer from any illegality, irregularity, or jurisdictional

error.

5. The learned counsel for the petitioner has pointed out that the Appellate Court has ordered the petitioner herein to pay the arrears of maintenance for the period from the date of petition at the enhanced rate. This Court is of the view that the enhanced rate of maintenance can be applied only from the date of presentation of the appeal, and till then the amount as ordered by the trial court has to be considered.

In the result, this Crl.R.P. is dismissed by directing the petitioner to pay the arrears of maintenance from the date of petition till the date of presentation of the appeal at the rate as ordered by the trial court and for the period from the date of presentation of the appeal onwards, at the rate ordered by the Appellate Court.

B.KEMAL PASHA, JUDGE

sj