

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

OP(Cr1.).No. 53 of 2015 (Q)

PETITIONER:

DHANESH KUMAR P.G., AGED 37 YEARS
S/O.GOPALAKRISHNAN, PAZHAYA KARIYIL HOUSE, VAIKAPRAYAR
VAIKOM.

BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH

RESPONDENTS:

1. M.R.SHEEJA, AGED 31 YEARS
D/O.M.K.RAMAN, MOOTHETHEDATHU HOUSE, V.K.COLONY P.O.
THEVAKKAL, ALUVA - 683 101.

2. ASWATHY (MINOR), AGED 6 YEARS
D/O.DHANESH KUMAR P.G., REPRESENTED BY HER MOTHER
THE 1ST RESPONDENT HEREIN.

GOVERNMENT PLEADER SMT. P.MAYA

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 24-03-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Crl.).No. 53 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: THE COPY OF THE ORDER OF THE FAMILY COURT, ERNAKULAM IN
MC.NO. 144/2011 DATED 16/02/2013.

EXT.P2: THE COPY OF MP.NO. 561/2013 IN MC NO. 144/2011 FILED BEFORE
THE FAMILY COURT, ERNAKULAM TO SET ASIDE THE EX-PARTE ORDER OF
MAINTENANCE.

EXT.P3: THE COPY OF MP.NO. 562/2013 IN MC.NO. 144/2011 FILED BEFORE
THE FAMILY COURT, ERNAKULAM TO CONDONE THE DELAY.

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

P. UBAID. J.

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O.P.(CRL) No. 53 of 2015

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Dated this the 24th day of March, 2015

JUDGMENT

The petitioner herein is aggrieved by the ex parte maintenance order passed by the Family Court, Ernakulam in a claim under Section 125 Cr.P.C. He made an application to set aside the ex parte order along with another application to condone the delay. He brought this petition for a direction to the court below to expedite consideration of the two applications. Now there is a report from the trial court that the two applications stand allowed on condition. As a condition for setting aside the ex parte order the trial court has directed the petitioner to deposit the entire arrears of maintenance as claimed in MP No.238 of 2012. Now the petitioner cannot have any grievance. His request stands allowed by the trial court, and the ex parte decree stands set aside on condition.

In the above circumstance, this original petition is closed.

Sd/-
P. UBAID, JUDGE

//true copy//

P.A. To Judge

Smv