

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

OP(Crl.).No. 83 of 2015 (Q)

AGAINST THE ORDER IN MC 59/2014 of J.M.F.C.,PAYYANNUR

PETITIONER(S):

**SHAHINA ,D/O.PATHIBI, AGED 29 YEARS,
THUYADICHEK HOUSE, MATTOL AMSOM DESOM,
KANUR**

BY ADV. SRI.P.G.PRAMOD

RESPONDENT(S):

- 1. IBRAHIMKUTTY O.P.,
S/O.MUHAMMED, AGED 32 YEARS, OTTUPRAYIL HOUSE, C.H. ROAD,
PUTHIYANGADI P.O, KANNUR DISTRICT - 673 021**
- 2. SUHARA OP,
W/O.MUHAMMED, AGED 59 YEARS, OTTUPRAYIL HOUSE, C.H. ROAD,
PUTHIYANGADI P.O, KANNUR DISTRICT 673 021**
- 3. BEEFATHU O.P,
W/O.DAVOOD SEEVAI, AGED 35 YEARS, OTTUPRAYIL HOUSE, C.H. ROAD,
PUTHIYANGADI P.O, KANNUR DISTRICT-673 021**

R1-R3 BY ADV. SRI.M.SASINDRAN

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

OP(Crl.).No. 83 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1:TRUE COPY OF THE PETITION FILED UNDER SECTION 12 OF THE ACT, IN MC.NO.59/2012 PENDING BEFORE THE HONOURABLE JUDICIAL FIRST CLASS.

EXHIBIT P2:TRUE COPY OF THE ORDER DATED 12.12.2012 IN CMP.NO.5455/2012

EXHIBIT P3:TRUE COPY OF THE ORDER DATED 02.01.2014 IN CRL.APPEAL NO.32/2013

EXHIBIT P4:TRUE COPY OF THE CMP NO.7034/2014 IN CMP.NO.5455/2012 IN MC. NO.59/2014

EXHIBIT P5:TRUE CERTIFICATE COPY OF THE DOCKET SHEET ORDER IN MC. NO. 59/2012

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

P.UBAID, J.

O.P (Cr.)No.83 of 2015

Dated this the 6th day of August, 2015

JUDGMENT

The petitioner herein is the petitioner in MC No.59/14 before the Judicial First Class Magistrate Court-I Payyanur. On CMP No. 5455/12 the learned Magistrate directed the respondent to pay interim maintenance to the petitioner herein, under Section 23 of the Protection of Women from Domestic Violence Act, 2005 (DV Act). When the respondent failed to make payment, the petitioner filed CMP No.7034/2014 for execution.

2. The petitioner's grievance is that, she has not so far received the amount of maintenance and that effective steps are not being taken the execution of the order by the Trial Court. She accordingly seeks a direction under Article 227 of the constitution, for speedy and effective execution of the order passed in CMP No.5455/12. Now there is report from the Court below that the learned Magistrate has issued warrant in execution, for realisation of the amount of maintenance

due from the respondent. In such a situation, this original petition need not continue and directions need not be issued.

3. However, it is made clear that, the learned Magistrate will have to take earnest and effective steps as part of execution, and to see that the amount of maintenance ordered by the Court is promptly received by the petitioner. With these observations the original petition is disposed of .

Sd/-
P.UBAID
Judge

AD