

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

OP(Crl.).No. 156 of 2015 (Q)

MC 326/2011 of FAMILY COURT, MALAPPURAM

PETITIONER :

**SHAMEER KANNAMTHODI, AGED 37 YEARS,
S/O. KADER HAJI, KANNAMTHODI HOUSE, PATHIAKKARA,
PERINTHELMANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.M.HABEEB

RESPONDENTS :

- 1. E.SHABANA THASNI, AGED 32 YEARS,
D/O. DEAPATTA ABDULSALAM, EDAPATTA VEEDU,
VANIYAMBALA P.O., NILAMBUR TALUK,
MALAPPURAM DISTRICT - 679 339.**
- 2. K.JASMINE, AGED 51 YEARS,
W/O. ABDUL SALAM, EDAPATTA ABDULSALAM, EDAPATTA VEEDU,
VANIYAMBALA P.O., NILAMBUR TALUK,
MALAPPURAM DISTRICT - 679 339.**
- 3. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY SRI.K.ANAND

R2 BY ADV. SRI.HUSSAIN KOYA VALIYAVEEDAKATH

BY ADV. SRI.K.V.RAJENDRAN (WANDOOR)

R3 BY PUBLIC PROSECUTOR SRI. GITHESH R.

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

OP(Crl.).No. 156 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: THE CERTIFIED COPY OF THE ORDER DT. 09.4.15.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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O.P(CrI.)No. 156 of 2015

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Dated this the 28th day of July, 2015

J U D G M E N T

The prayer in this Original Petition for an order is to set aside the impugned Ext.P-1 order rendered by the Family Court, Malappuram, by which interim maintenance has been granted to the respondent therein. It is ordered to be paid on a lump sum basis of Rs.25,000/-. There was also a direction therein to pay cost of Rs.1,000/-.

2. While admitting this Original Petition, this Court had passed an interim order, whereby the direction to pay the lump sum of Rs.25,000/- was stayed on condition that the petitioner shall pay an amount of Rs.5,000/-. Moreover, it is stated by Sri.P.M.Habeen, the learned counsel for the petitioner that the cost amount of Rs.1,000/- ordered to be paid as per Ext.P-1, has also been paid.

3. Heard Sri.P.M.Habeeb, learned counsel appearing for the petitioner, Sri.K.Anand, learned counsel appearing for respondents 1 and 2 and the learned Public Prosecutor appearing for the 3rd

respondent State of Kerala.

4. In the facts and circumstances of the case, it is ordered in the interest of justice that the impugned order is modified to the extent that the direction in Ext.P-1 to pay Rs.25,000/- shall stand reduced to payment of Rs.5,000/-. The said payment of Rs.5,000/- has already been paid by the petitioner. However, Crl.M.P.No. 296/2015 on which Ext.P-1 order was passed, will stand remitted to the Family Court for consideration afresh. Accordingly, the Family Court, Malappuram, will hear both sides and pass an order on the question of interim maintenance. Orders thereon shall be passed within ten days from the date of receipt of a certified copy of this order.

With these observations and directions, the Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge