

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

OP(Crl.).No. 265 of 2015 (Q)

**MC.NO. 272/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -III,
NEYYATTINKARA**

PETITIONER(S):

1. SAJITHA, AGED 29 YEARS, D/O.KAMALA BHAI,
VALIYAVILA VEEDU, KOTTUKAL.P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM.
2. RIYA, AGED 11 YEARS (MINOR), D/O.SAJITHA,
VALIYAVILA VEEDU, KOTTUKAL.P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM (REPRESENTED BY MOTHER AND
GUARDIAN- SAJITHA- 1ST PETITIONER.

BY ADVS.SRI.PRASUN.S
SRI.M.MANOJKUMAR (CHELAKKADAN)
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.P.V.SREENIJIN
SMT.K.B.SONY

RESPONDENT(S):

1. REJI K., S/O.MATHIAS,
REENA COTTAGE, CHERIYAKOLLA.P.O.,
KUNNATHUKAL VILLAGE UNDENCODE,
THIRUVANANTHAPURAM,PIN-695 504
2. LEELA, W/O.MATHIAS, REENA COTTAGE,
CHERIYAKOLLA.P.O., KUNNATHUKAL VILLAGE,
UNDENCODE, THIRUVANANTHAPURAM,PIN-695 504
3. MATHIAS, REENA COTTAGE, CHERIYAKOLLA.P.O.,
KUNNATHUKAL VILLAGE, UNDENCODE,
THIRUVANANTHAPURAM-695 504
4. THANKARAJAN, REENA COTTAGE, CHERIYAKOLLA.P.O.,
KUNNATHUKAL VILLAGE, UNDENCODE,
THIRUVANANTHAPURAM,PIN-695 504.

OP(CRL).NO.265/2015

5. REENA, D/O.LEELA,
REENA COTTAGE, CHERIYAKOLLA.P.O.,
KUNNATHUKAL VILLAGE, UNDENCODE,
THIRUVANANTHAPURAM,PIN-695 04
6. RENI, W/O.SHIBU, SUNDARAKAVADAM,
KILLIKOTTUKONAM, OORUTTAMBALAM,
THIRUVANANTHAPURAM,PIN-695 507
7. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI, PIN-682 031.

R7 BY PUBLIC PROSECUTOR SMT. M.T.SHEEBA

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(CRL).NO.265/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER DATED 05/06/2012 IN M.C.NO.272/2011 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT-III, NEYYATTINKARA
- P2 COPY OF THE CMP NUMBER 9115 OF 2012 PREFERRED BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NEYYATTINKARA.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

RAJA VIJAYARAGHAVAN V, J.

O.P.(CrI.).No.265 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

In this petition filed under Article 227 of the Constitution of India, the petitioners seek for an order directing the Judicial First Class Magistrate Court - III, Neyyattinkara to pass orders in Ext.P2 petition filed by her in an expeditious manner.

2. It is seen that the first petitioner herein, who is the wife of the first respondent, had approached the Judicial First Class Magistrate Court - III, Neyyattinkara by filing M.C.No.272/2011 under section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking orders of protection, residence, maintenance and other reliefs. The said petition was preferred for and on behalf of the second petitioner as well who is the minor child born out of the wedlock of the first petitioner herein and the first

respondent. The said petition was allowed by the learned magistrate as per Exhibit P1 order dated 5.6.2012. On the failure of the respondent No. 1 to comply with the order in letter and spirit, Ext.P2 CMP No. 9115 of 2012 was preferred on 15.6.13 before the learned Magistrate to pass emergent orders for realising defaulted maintenance and rent and also for permitting the petitioner and minor child to stay in the rooms adjacent to the shared household . The grievance is that Exhibit P2 is still pending to the detriment of the petitioners. It is further submitted that owing to the continuous default on the part of the respondent No 1 CMP No 8141 of 2013 and CMP No. 4715 of 2013 was preferred but it has not yielded any concrete result. In view of the above, the writ petition has been preferred for an expeditious disposal of Ext. P2 petition.

3. In the nature of the orders that I intent to issue, notice to the respondents 1 to 6 are dispensed with. No

prejudice is likely to be caused to the respondents by directing an expeditious disposal of the petition.

Taking note of the facts and circumstances and also the plight of the petitioners as portrayed by the learned counsel, the learned Judicial Magistrate of the I Class III, Neyyattinkara is directed to expeditiously dispose of Ext.P2 petition as expeditiously as possible at any rate within a period of 2 months from the date of production of this order.

The O.P.(Crl.) is disposed of.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge