

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

OP(Crl.).No. 298 of 2015 (Q)

PETITIONER(S):

SUNILAN AGED 33 YEARS,
S/O. LATE VELU, KOOVAKATTIL HOUSE,
PUTHUR P.O, NAMBYAR ROAD, PUTHUR VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

NEETHUMOL, AGED 23, D/O. KRISHNANKUTTY,
KAKAKATU HOUSE, CHALAPATAM DESOM,
P.O KOOTALA, PEECHI VILLAGE,
THRISSUR TALUK.

BY

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Crl.).No. 298 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE AWARD PASSED IN THE LOK ADALATH,
THRISSUR IN O.P NO.362 OF 2011 DATED 13.9.2012

EXT.P2: TRUE COPY OF THE RECEIPT ISSUED BY THE RESPONDENT HEREIN
DATED 30.3.2013

EXT.P3: TRUE COPY OF THE M.P. NO.865 OF 2014 IN M.C. NO.566 OF 2011
DATED 1.7.2014 ON THE FILE OF THE FAMILY COURT, THRISSUR.

RESPONDENT'S EXHIBITS

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

O.P(Crl) No.298 of 2015

Dated this the 16th day of September, 2015

J U D G M E N T

The petitioner herein is the respondent in a maintenance proceeding brought under Section 125 of the Code of Criminal Procedure. The maintenance order granted by the Family Court is now being executed. The petitioner's grievance is that the court below has issued a warrant of arrest against him in the execution proceeding. He seeks relief against the said proceeding, under Article 227 of the Constitution. It is not known how this Court can interfere or intrude into the execution process in the court below, under Article 227 of the Constitution. As a respondent against whom there is maintenance award, the petitioner is bound to make payment. He will have to approach the trial court, and either make payment fully, or if he wants some instalment facility, he can very well make such request before the court below. When such a course is possible in the court below, this Court will not entertain petitions under Article 227 of the Constitution. Once more it is observed and clarified that the petitioner will have to approach the trial court itself. If

he is not in a position to pay the amount in lump, he can very well seek instalment facility and make application accordingly, before the court below. If he has got a case that his wife is not entitled to get maintenance on the ground of remarriage, or that the maintenance award is liable to be cancelled with effect from the date of such remarriage, he will have to make necessary application before the court below.

This Original Petition is accordingly closed.

**P.UBAID
JUDGE**

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