

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

OP(Cr1.).No. 306 of 2015 (Q)

MC 98/2014 of FAMILY COURT,KOZHIKODE DATED 09-09-2015

PETITIONER :

BELRAJ, AGED 42 YEARS,
S/O. GOVINDANKUTTY,
GK NIVAS, GURUVAYOORAPPAN COLLEGE P.O.,
VALAYANAD AMSOM DESOM, KOZHIKODE TALUK.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENT :

JYOTHILAKSHMI, AGED 38 YEARS,
D/O.LATE DAMODHARAN NAIR,
SILVER OAKES APARTMENTS, MALAPARAMBU, PAROPPADY,
VELLIMADUKUNNU P.O., KOZHIKODE TALUK-673 001.

R1 BY ADV. SRI.K.SANEESH KUMAR

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DSV/19/9/15

OP(Cr1.).No. 306 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS :

P1 TYPE WRITTEN COPY OF THE 'A' DIARY PROCEEDINGS DATED
09.09.2015 IN M.C.NO.98/2014 OF THE FAMILY COURT, KOZHIKODE.

RESPONDENT'S EXHIBITS :

NIL

// True Copy //

P.A. To Judge

DSV/19/9/15

B.KEMAL PASHA, J.

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O.P.(CrI).No.306 of 2015

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Dated this the 18th day of September, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The respondent is the wife, and the petitioner is the husband. The wife has approached the Family Court, Kozhikode through M.C.No.98 of 2014 seeking maintenance at the rate of Rs.12,000/- per month. The proceedings were delayed. The husband has taken up a contention that the respondent wife is gainfully employed in a private firm. The evidence was over. Thereafter, a C.M.P. was filed by the petitioner herein for re-opening the evidence and the evidence was re-opened.

3. The petitioner filed a petition before the court below seeking the production of the salary particulars of the respondent herein from one HI LIGHT Business Park, wherein

she is allegedly employed. When the Manager of the said institution was summoned, it was reported that there was no such Manager.

3. The present attempt is to summon the Asst. General Manager, Administration of the said Company to produce the salary particulars of the respondent. The same has been denied by the court below. The present request of the petitioner is to direct the court below to issue a copy of the said order.

4. Whatever it is, it has come out that there is deliberate delaying tactics in the matter from the part of the petitioner. The respondent, who is running from pillar to post to get maintenance from her husband, is still left without remedy. It seems that the petitioner is a government servant. Till the matter is finalized, the petitioner shall pay an interim maintenance at the rate of ₹5,000/- per month to the respondent. Arrears of maintenance at the said rate shall also be paid from the date of petition. Let the petitioner get a breathing time to adduce any further evidence in the matter; but that should be on condition of the payment of the interim

maintenance as ordered. The court below is directed to give sufficient opportunity to the petitioner to prove that the respondent is employed.

This Original Petition (Criminal) is disposed of accordingly.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/18/9/15

// True Copy //

P.A. To Judge