

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

OP(Crl.).No. 338 of 2015 (Q)

CMP.NO.332/2015 IN MC.NO.240/2014 OF FAMILY COURT, KOZHIKODE

PETITIONER(S):

- 1. HAFSATH, AGED 20 YEARS,
D/O. HAMSA, VALLIKETTUMMAL HOUSE, PUTHUPPADY P.O,
THAMARASSEREY, KOZHIKODE DISTRICT 673 586.**
- 2. MUHAMMED JASSIM,
S/O. HAFSATH (MINOR), REPRESENTED BY HIS MOTHER,
THE 1ST PETITIONER.**

**BY ADVS.SRI.P.R.SREEJITH
SRI.M.PROMODH KUMAR
SMT.MAYA CHANDRAN**

RESPONDENT(S):

**MUHAMMED UNAIS, AGED 27 YEARS,
S/O. IBRAHIM, ELANGARATHODI VEEDU, POTTIKKAIL,
ADIVARAM, PUTHUPPADY (PO), KOZHIKODE DISTRICT 673 586.**

**BY ADVS. SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 14-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(Crl.).No. 338 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF PETITIONERS MC 240/2014 BEFORE THE FAMILY COURT KOZHIKODE FOR MAINTENANCE**
- EXHIBIT P2 THE TRUE COPY OF THE PETITIONERS CMP 332/2014 FOR LITIGATION EXPENDITURE AND INTERIM MAINTENANCE**
- EXHIBIT P3 THE TRUE COPY OF THE RESPONDENT'S COUNTER STATEMENT TO EXT.P2**
- EXHIBIT P4 THE TRUE COPY OF THE ORDER DATED 21-08-2015 IN CMP 332/2014 IN MC 240/2015 OF FAMILY COURT KOZHIKODE**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

=====

O.P. (Crl) No. 338 of 2015

=====

Dated this the 14th day of December, 2015

JUDGMENT

Ext.P4 order of interim maintenance is under challenge. It seems that without assigning any reason, interim maintenance has been denied to the 1st petitioner.

2. On hearing either side, it has come out that the main contention of the respondent is that without assigning any reason, the 1st petitioner has withdrawn from the society of the respondent and therefore, she is not entitled to get separate maintenance. Those matters can be decided only at the final stage.

3. On hearing either side, this Court is of the view that Ext.P4 order can be modified by ordering interim maintenance to the 1st petitioner also. The respondent

shall pay an amount of ₹3,500/- per month to the 1st petitioner as interim maintenance. The court below shall make an earnest effort to dispose of the Maintenance Case as such, expeditiously.

With the said observation, this Crl.M.C is disposed of.

Sd/-
B.KEMAL PASHA, JUDGE

stu