

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

OP(Crl.).No. 366 of 2015 (Q)

MC. NO.152/2014 OF FAMILY COURT, IRINJALAKUDA.

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PETITIONER(S):

ANILKUMAR, S/O.PADMANABHAN,
KALLUVALAPPIL HOUSE, CHELAMBRA,
PULLIPARAMBU POST, MALAPPURAM DISTRICT.

BY ADV. SRI.T.N.MANOJ.

RESPONDENT(S):

SUJITHA,
D/O.KUNJAN, KOZHIPARAMBIL HOUSE,
KARADIVALAVU, KAIPAMANGALAM BEACH P.O.,
THRISSUR DISTRICT, PIN - 680 681.

BY ADVS. SRI.BABU CHERUKARA,
SRI.P.A.SALIM,
SRI.SEVI VARGHESE,
SRI.ANZAR BASHEER,
SRI.PRATHEUSH.M.ANAND,
SRI.P.ANTO THOMAS.

THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

OP(Crl.).No. 366 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE PETITION MC. 152/2014 OF THE FAMILY COURT AT IRINJALAKUDA.
- P2- TRUE COPY OF THE ORDER DATED 28.11.2014 IN MC. 152/2014 OF THE FAMILY COURT AT IRINJALAKUDA.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(CrI.) No.366 of 2015
.....

Dated this the 2nd day of November, 2015

J U D G M E N T

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Ext.P2 order passed by the Family Court, Irinjalakuda is under challenge. The said order has been passed in MC.152/2014 filed by the respondent herein seeking maintenance from her husband, who is the petitioner herein. The court below has passed Ext.P2 order, ordering interim maintenance at the rate of ₹2,000/- per month to the petitioner before the court below.

2. The contention forwarded by the respondent is precisely that no application has been filed by the respondent herein before the court below seeking any such interim maintenance and the court below has *suo motu* passed such an order. The decision in ***Davis Vs. Thomas and another [2007 (4) KLT 883]*** to the effect a formal application for making a claim for maintenance *pendente lite*

is required, is seen approved by the Division Bench of this Court in ***Saju Sasidharan Vs. Dhanya [2012 (4) KLT 303]***.

With liberty to the respondent to approach the court below and to file a formal application seeking maintenance *pendente lite*, this O.P.(Crl.) is allowed. Ext.P2 stands quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/11

// True Copy //

PA to Judge