

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

OP(Crl.).No. 378 of 2015 (Q)

M.P.NO.806/2014 IN CRL.M.C.NO.94/2013 OF THE FAMILY COURT, ERNAKULAM

PETITIONER(S) :

**PRABHU RADHAKRISHNAN @ ROHAN KRISHNA, AGED 38 YEARS,
S/O.K.S.RADHAKRISHNAN, GOWRI, MUNDAYI,
VARKKALA- 695 141.**

**BY ADVS.SRI.SANTHOSH G. PRABHU
SMT.A.ASWATHY
SRI.K.JANARDHANA SHENOY**

RESPONDENT(S) :

- 1. DIYA, AGED 11 YEARS,
REPRESENTED BY MOTHER, SHEEBA PRABHU, AGED 42 YEARS,
W/O.PRABHU RADHAKRISHNAN, 10S, DD PLATINUM PLANET,
NEAR EDASSERI MANSION, THAMMANAM, KOCHI,
NOW RESIDING AT NAYIKA, PANAMPILLY NAGAR,
BEHIND SOUTH INDIAN BANK, KOCHI- 682 036.**
- 2. SHEEBA PRABHU, AGED 42 YEARS,
W/O.PRABHU RADHAKRISHANAN, 10S, DD PLATINUM PLANET,
NEAR EDASSERI MANSION, THAMMANAM, KOCHI,
NOW RESIDING AT NAYIKA, PANAMPILLY NAGAR,
BEHIND SOUTH INDIAN BANK, KOCHI- 682 036.**

**THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: A TRUE COPY OF THE APPLICATION DATED 22.01.2013 FILED BY THE RESPONDENTS IN M.C.NO.94/2013 BEFORE THE FAMILY COURT, ERNAKULAM.

EXHIBIT P2: A TRUE COPY OF THE PETITION DATED 22.09.2014 FILED BY THE 1ST RESPONDENT IN M.P.NO.806/2014 IN M.C.NO.94/2013 BEFORE THE FAMILY COURT, ERNAKULAM.

EXHIBIT P3: A TRUE COPY OF THE OBJECTION DATED 14.06.2015 FILED BY THE PETITIONER IN CRL.M.C.NO. 94/2013 BEFORE THE FAMILY COURT, ERNAKULAM.

EXHIBIT P4: A TRUE COPY OF THE OBJECTION DATED 14.06.2015 FILED BY THE PETITIONER IN CRL.M.P.NO.806/2014 IN CRL.M.C.NO.94/2013 BEFORE THE FAMILY COURT, ERNAKULAM.

EXHIBIT P5: A CERTIFIED COPY OF THE INTERIM ORDER DATED 27.06.2015 OF THE HONOURABLE FAMILY COURT, ERNAKULAM IN CRL.M.P.NO. 806/2014 IN CRL.M.C.NO.94/2013.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
O.P.(Crl) No. 378 of 2015
.....

Dated this the 1st day of December, 2015

J U D G M E N T

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

2. Through the impugned order, the court below has ordered an amount of ₹7,500/- per month to the minor daughter of the petitioner, who is a 8th standard student, as interim maintenance.

3. According to the respondents, so far no amount of maintenance has been paid by the petitioner.

4. According to the learned counsel for the petitioner, the father of the petitioner is suffering from cancer, and he has commitments. Apart from that it is also averred that he is earning only an amount of ₹10,000/- per

month. That is not the look out of this Court at this stage, when the livelihood of the daughter of the petitioner, who is an 8th standard student, is in question.

5. However, on hearing the learned counsel for the petitioner, this Court is of the view that the interim maintenance ordered by the court below can be reduced to an amount of ₹6,000/- per month. The arrears of maintenance, at the rate of ₹6,000/- per month, shall be paid by the petitioner in three equal monthly instalments commencing from 15-12-2015. In case of default of any of such instalments, coercive steps shall be taken against the petitioner. The petitioner shall continue to pay the monthly interim maintenance at the rate of ₹7,500/-, without fail.

With the above directions, this Original Petition is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge