

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

OP(Cr1.).No. 399 of 2015 (Q)

CMP 86/2015 IN MC 125/2014 of FAMILY COURT, OTTAPALAM

PETITIONER(S) :

NISHAD, AGED 34 YEARS

S/O.IBRAHIM, CHETTIYARUTHODI VEEDU, KURUVATTOOR.P.O.
CHEVIKKALPADI, PATTAMBI TALUK.

BY ADV. SRI.E.S.M.KABEER

RESPONDENT(S) :

GANSA, AGED 8 ½ YEARS

D/O.SAHEELA, PALAKURSSI VEEDU

VALLAPPUZHA.P.O., PATTAMBI TALUK

REPRESENTED BY GRAND FATHER KOYAMMU, AGED 63 YEARS

S/O.KUNHIMOIDU, PIN - 679 336.

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Crl.) .No. 399 of 2015 (Q)

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1: TRUE COPY OF THE ORDER IN C.M.P.NO.86/2015 IN
M.C.NO.125/2014 OF THE FAMILY COURT, OTTAPALAM.

EXT.P2: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER
BEFORE THE FAMILY COURT.

EXT.P3: TRUE COPY OF THE BENEFICIARIES LIST OF THE PANCHAYAT
DATED 2015-16.

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

P.A TO JUDGE.

STU

B. KEMAL PASHA, J.

.....
O.P. (Crl.) No. 399 of 2015
.....

Dated this the 30th day of November, 2015

JUDGMENT

It seems that by way of interim maintenance to the daughter, who is a third standard student, the petitioner was directed to pay an amount @ ₹4,000/- per month to the respondent. The amount ordered by the court below cannot be said to be excessive and in fact it is the bare minimum.

2. According to the learned counsel for the petitioner, the petitioner is suffering from kidney disease. That cannot be a reason to deny maintenance to the daughter of the petitioner, especially when her mother had gone into a form of marriage with another person. The petitioner also married another woman and he has children in it. It is a tragic situation that the respondent continues to be in the care and custody of her maternal grandfather, who is age old.

3. Considering the circumstances pointed out by the learned counsel for the petitioner, the petitioner is permitted to deposit the arrears of maintenance at the aforesaid rate in five equal monthly instalments, commencing from 15.12.2015. In case of default of any of the instalments, coercive steps shall be taken against the petitioner. The petitioner shall continue to pay the monthly maintenance @ ₹4,000/-, without fail.

With the said direction, this Original Petition is disposed of.

Sd/-

B. KEMAL PASHA, JUDGE.

stu/30.11.2015.