

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

OP(Crl.).No. 416 of 2015 (Q)

MC 115/2014 OF FAMILY COURT, KOZHIKODE.
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PETITIONER/RESPONDENT IN OP:

**V.R SREEKUMAR,
S/O.V.K.RAGHAVAN MASTER, AGED 45 YEARS,
RESIDING AT VARYAMBATTU HOUSE, THIRUR,
MULANKUNNATHUKAVU.P.O., THRISSUR DT. - 680 581,
NOW RESIDING AT C/O.G.SURESH, GANGOTHRI,
CHEMBUKKAVU ROAD, CHEMBUKKAVU.P.O.,
THRISSUR - 680 020.**

**BY ADVS.SRI.SHOBY K.FRANCIS
SMT.MISHAL M.DASAN**

RESPONDENT/PETITIONER IN OP:

**NIMMY K.R., AGED 38 YEARS,
D/O.RAVEENDRAN, KURIANGARA HOUSE,
FAROKE.P.O., KOZHIKKODE - 673 631.**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

OP(Crl.).No. 416 of 2015 (Q)

APPENDIX

PETITIONERS' EXHIBITS:

EXT. P1 : TRUE COPY OF THE APPLICATION FOR MAINTENANCE FILED BY THE
RESPONDENT AGAINST THE PETITIONER AS M.C.NO.115/2014 BEFORE
THE FAMILY COURT, KOZHIKODE.

EXT. P2 : TRUE COPY OF THE COUNTER STATEMENT FILED BY THE
PETITIONER DATED 16.2.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

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O.P.(Crl.). No. 416 of 2015

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Dated this the 11th day of December, 2015

J U D G M E N T

The petitioner has approached the court below seeking maintenance from her husband, who is the petitioner herein. Now the petitioner has come up to get the proceedings in M.C.No.115 of 2014 of the Family Court, Kozhikode, quashed.

2. The case of the petitioner is that the wife has been residing separately without any lawful excuse and therefore, she is not entitled to claim separate maintenance. Those contentions can be taken up before the court below and it is for the court below to consider those questions on merits. This Court cannot entertain the present request. This O.P.(Crl) is devoid of merits and is only to be dismissed and I do so.

In the result, this O.P.(Crl) is dismissed with liberty to the petitioner to take up all these contentions before the court below during trial.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/11/12/15

// True Copy //

P.A. To Judge