

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

OP (FC).No. 80 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN MC 321/2013 of FAMILY COURT,
KOTTARAKKARA

PETITIONER(S) :

1. PRITTY SHANKER AGED 33 YEARS
W/O.MANJESH R.S., THOTTATHIL VEEDU, MALLANKUZHA
KALANJUR P.O., PATHANAMTHITTA DISTRICT.
2. MAHASWAR M.P. (MINOR) AGED 1 YEAR
S/O.MANJESH R.S., THOTTATHIL VEEDU, MALLANKUZHA
KALANJUR P.O.
PATHANAMTHITTA DISTRICT REPRESENTED BY 1ST PETITIONER
HIS MOTHER AND GUARDIAN AS NEXT FRIEND.

BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA

RESPONDENT(S) :

MANJESH R.S., AGED 36 YEARS
S/O.RAMACHANDRAN NAIR, CHANDRA VILASOM, POONKODU
CHADAYAMANGALAM P.O., KOTTARAKKARA TALUK
KOLLAM DISTRICT-691534.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON
05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (FC).No. 80 of 2015 (R)

APPENDIX

EXT.P1: COPY OF M.C.NO.321/2013 OF FAMILY COURT, KOTTARAKKARA.

EXT.P2: COPY OF CRL.M.P.NO.389/2013 OF FAMILY COURT,
KOTTARAKKARA.

EXT.P3: COPY OF SALARY STATEMENT OF RESPONDENT DATED 3.1.2014.

RESPONDENT'S EXHIBITS: NIL.

TRUE COPY

PA TO JUDGE.

acd

V.K. MOHANAN & P.D. RAJAN, JJ.

O.P.(FC) No. 80 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

V.K.Mohanana,J.

The petitioners are the petitioners in M.C.No.321/2013 pending before the Family Court, Kottarakkara, which is initiated under Section 125(1) of Cr.P.C. claiming maintenance at the rate of ₹15,000/- to the 1st petitioner, wife and ₹10,000/- to the 2nd petitioner, son of the respondent. During the pendency of the above main petition, the petitioners preferred Crl.M.P.No.389/2013, which is produced along with this O.P.(FC) as Ext.P2 claiming interim maintenance at the rate of ₹10,000/- to the 1st petitioner and ₹8,000/- to the 2nd petitioner. The grievance now projected by the petitioners is that though Ext.P2 was filed as early as on

30.10.2013, no orders are passed in the above petition and it is adversely affected their life, since they are finding it difficult to maintain themselves. Hence, it is prayed in the above original petition to issue an order or direction to call for the entire records in M.C.No.321/2013 of Family Court, Kottarakkara and direct to dispose Crl.M.P.No.389/2013 of Family Court, Kottarakkara within a time frame as fixed by this Hon'ble Court.

2. Heard the learned counsel for the petitioners. Considering the nature of the order, which we propose to pass, notice to the respondent is dispensed with.

3. The case of the petitioners is that 1st petitioner is the wife of the respondent and the 2nd petitioner is his son, born to the respondent and the 1st petitioner. The petitioners were constrained to approach the Family Court, Kottarakkara seeking maintenance as they are unable to

maintain themselves. It is on that ground, they filed Ext.P2, CrI.M.P.No.389/2013 claiming interim maintenance, but no orders are passed.

4. Considering the very object of Section 125 (1) of Cr.P.C. and especially when the interlocutory application is filed for interim maintenance, we are of the view that the Court below ought to have considered the same and pass appropriate orders thereon without delay, thereby to extend the help to the destitutes, who are the petitioners in the present case, after having considered the merits and demerits of the case. In the present case, though Ext.P2 is filed as early as on 30.10.2013, no orders are passed, which is the grievance now projected by the petitioner.

6. Under the above circumstances, we dispose of this O.P.(FC) directing the Family Court, Kottarakkara to

take up Ext.P2, i.e., CrI.M.P.No.389/2013 in M.C.No.321/2013 pending before that Court and if the same is in order, the Family Court is directed to pass appropriate orders thereon without further delay and the order shall be passed within three months from the date of producing a copy of this judgment before Court below.

O.P.(FC) is disposed of accordingly.

V.K. MOHANAN, JUDGE.

P.D. RAJAN, JUDGE.

acd

