

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

OP (FC).No. 256 of 2015 (R)

(ARISING FROM MC 371/2012 of FAMILY COURT, KOTTARAKKARA

PETITIONER:

DEEPA,
AGED 28 YEARS, D/O.BHASKARAN PILLAI,
DIVYA BHAVAN, NJARAYIKKODU
THAZHAMEL MURI, ANCHAL, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT:

SUNIL K.
S/O.LATE KRISHNANKUTTY NAIR, PUSHPAVILASAM,
PADINJATTINKARA, EDAMULAKKAL.P.O.,
PATHANAPURAM TALUK
KOLLAM DISTRICT.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

OP (FC).No. 256 of 2015 (R)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE M.C.NO.371/2012 OF THE FAMILY COURT,
KOTTARAKARA.**
- P2- TRUE COPY OF THE COMPLAINT OF ARBITRATION PROCEEDINGS FILED BY
THE ANCHAL SERVICE CO-OPERATIVE BANK.**

RESPONDENTS' EXHIBITS

NIL

True copy

P.A. To Judge

AMG

**C.K. ABDUL REHIM, J.
&
K. RAMAKRISHNAN, J.**

O.P (FC) No. 256 OF 2015

DATED THIS THE 17th DAY OF JUNE, 2015

J U D G M E N T

K. Ramakrishnan, J:

This is a petition filed by the petitioner in M.C. 371/2012 on the file of Family Court, Kottarakkara for an early disposal of the case invoking jurisdiction vested on this court under Article 227 of the Constitution of India.

2. It is alleged in the petition that the petitioner filed M.C. 371/2012 before the Family Court, Kottarakkara against respondent husband seeking maintenance to her and minor child and the respondent appeared and the court below had ordered interim maintenance @ of Rs.1,000/- to the child. He had not paid the amount. On 28-05-2014 the court below directed the respondent to pay off the entire arrears of interim maintenance before next posting date. Even thereafter the respondent did not pay the amount and the court below is not disposing the case as well. So the

petitioner has no remedy except to approach this court seeking the following reliefs:

- “(i) issue a direction to the Family Court, Kottarakkara to dispose Ext.P1 (M.C. No.371/2012) within a time frame.
- (ii) issue such other order or direction, as this Hon'ble court may deem fit and proper, in the circumstances of this case.”

3. Considering the nature of relief claimed, this court felt that the matter can be disposed of at the admission stage itself, after hearing the counsel for the petitioner alone. Heard the counsel of the petitioner. Grievance of the petitioner is that petition for maintenance filed by her is not taken up by the court below inspite of the fact that it was filed in the year 2012. The hon'ble Supreme Court in **Bhuvan Mohan Singh V. Meena (2014 (3) KLT 314)** has categorically observed that, the Family Courts are expected to expedite disposal of the maintenance applications filed under Section 125 of Code of Criminal Procedure as expeditiously as possible keeping in view the objects and reasons of the Act and the scheme of

various provisions pertaining to grant of maintenance, divorce, custody of child, property disputes etc. Since the apex court has already given a direction, the family court is bound to follow the same. So there is no necessity to issue any further direction in this regard. The family court is directed to dispose of the case, taking note the views and observations made by the Supreme Court in the decision cited supra and dispose of the case as expeditiously as possible.

4. With the above directions and observations this petition is disposed of.

5. Office is directed to communicate this judgment to the concerned court immediately.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

K. RAMAKRISHNAN, JUDGE.

AMG

True copy

P.A. to Judge