

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

OP(Crl.).No. 218 of 2014 (Q)

MC 69/2013 of FAMILY COURT, CHAVARA

PETITIONER/RESPONDENT:

**PRASANNAN, AGED 44 YEARS
S/O. ANANDAN, RESIDING AT KRISHNALAYAM
MARUTHOORKULANGARA SOUTH, ALUMKADAVU P.O.
KARUNAGAPPALLY, KOLLAM DISTRICT.**

**BY ADVS.SRI.R.NIKHIL
SRI.BINU PAUL (NETTOOR)**

RESPONDENT/PETITIONER:

**MUKTHA, AGED 55 YEARS
D/O. INDIRA, RESIDING AT KOIKKALETHU
MARUTHOORKULANGARA SOUTH, ALUMKADAVU P.O.
KARUNAGAPPALLY, KOLLAM DISTRICT-691001.**

BY SRI.MUKTHA K.N (PARTY-IN-PERSON)

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 09-01-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1- A TRUE COPY OF THE JUDGMENT DT. 08-03-2011 IN MAT.APPEAL NOS. 61 & 62 OF 2007.
- EXHIBIT P2- A TRUE COPY OF THE PETITION PRESENTLY NUMBERED AS M.C.NO. 69/2013 ON THE FILES OF THE FAMILY COURT, CHAVARA.
- EXHIBIT P3- A TRUE COPY OF THE PETITION NUMBERED AS C.M.P.NO. 240/2011.
- EXHIBIT P4- A TRUE COPY OF THE COMMON REPORT DTD 02-05-2014 IN C.M.P.NO. 204/2013 AND C.M.P. NO. 240/2011.
- EXHIBIT P5- A TRUE COPY OF THE MEMORANDUM OF CRIMINAL MISCELLANEOUS CASE NUMBERED AS CRL.M.C.NO. 4175/2014.
- EXHIBIT P6- A TRUE COPY OF THE ORDER DT. 24-07-2014 IN CRL.M.C.NO. 4175/2014.

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

O.P.(Crl) No.218 of 2014

Dated this the 9th day of January, 2015

JUDGMENT

The petitioner herein is the respondent in M.C.No.69/2013 of the Family Court, Chavara. Trial in the said case is midway. The petitioner now seeks orders under Article 227 of the Constitution of India for joint trial of this maintenance proceeding along with some other original petitions pending before the court. One of the proceedings is an original petition brought by the petitioner herein to declare that the marriage itself is null and void. There are in fact so many proceedings between the parties. Trial in the two original petitions now pending before the family court stands stayed by this Court. The petitioner now seeks orders for joint trial of the maintenance proceeding along with those original petition, which stand stayed by this Court in appropriate proceedings. The learned trial Judge has now reported that trial of M.C.No.69/2013 is in progress as directed by this Court in Crl.M.C.No.4175/2014, and now the petitioner's evidence is over. In such a situation, the relief as sought by the

petitioner cannot be granted. If at all the petitioner could obtain orders in the other proceedings, he will have the rights under the law to seek appropriate modification in the orders passed by the court under Section 125 Cr.P.C.

In the result, this original petition is dismissed in limine, without being admitted to files.

Sd/-

P. UBAID, JUDGE

sd