

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

RPFC.No. 23 of 2011 ()

(MC 629/2007 of FAMILY COURT, MALAPPURAM)

REVISION PETITIONER/RESPONDENT:

SUNIL MATHEW, S/O.MATHEW @ MATHAIKUTTY,
VAZHAMPLAKKAL VEEDU, CHIPPIILITHODU, P.O.ADIVARAM,
KOZHIKODE.

BY ADV. SRI.JACOB ABRAHAM

RESPONDENT(S)/PETITIONERS:

1. SHEEBA P.C, D/O.P.T.CHACKO,
PANAMOOTIL VEEDU, PANTHALOOR HILLS P.O.,
MALAPPURAM DISTRICT.

2. RENJL, AGED 5 YEARS, S/O. SHEEBA P.C.,
P.T.CHACKO, PANAMOOTIL VEEDU, PANTHALOOR HILLS P.O.,
MALAPPURAM DISTRICT.(2ND RESPONDENT MINOR IS
REPRESENTED BY HIS MOTHER THE 1ST RESPONDENT)

R1-2 BY ADV. SRI.SIBY MATHEW

R1-2 BY ADV. SRI.PHILIP J.VETTICKATTU

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

R.P(FC). No.23 of 2011

Dated this the 11th day of June, 2015.

O R D E R

The first respondent is the wife of the revision petitioner and the second respondent is the child, on the application filed under Section 125 of the Code of Criminal Procedure, claiming maintenance allowance. The Family Court, Malappuram directed the revision petitioner to pay monthly maintenance allowance to the respondents. According to the revision petitioner, due to ill health and financial stringency, he could not raise the amount. On the failure to pay maintenance allowance the respondents filed C.M.P. before the Family Court, Malappuram for realisation of Rs.67,500/- from the revision petitioner. The learned Judge ordered imprisonment for ten months also. This order is under challenge in this revision petition.

2. Heard the learned counsel for the revision

petitioner as well as the respondents. Both counsel advanced arguments in support of their respective contentions in the court below.

3. At the time of admission, this Court directed the revision petitioner to deposit Rs.37,500/- by an interim order dated 19.1.2011 and further proceedings were stayed. In compliance with the said order, the revision petitioner deposited the amount and on an application filed by the respondents, they were allowed to realise the said amount from the court below. Thereafter, by an interim order dated 9.3.2011, this Court further directed the revision petitioner to pay Rs.30,000/- more on or before 31.5.2011.

4. Today, when the case is taken up for hearing, the learned counsel for the revision petitioner submits that the counsel is not sure as to whether the revision petitioner has deposited Rs.30,000/- in compliance with the order dated 9.3.2011. In view of the above submission, the revision petitioner is given two more months from today to deposit Rs.30,000/-, if the said amount is not deposited so far. Therefore, all

further proceedings under the impugned order shall be kept in abeyance for a period of two more months. If the revision petitioner fails to pay Rs.30,000/- within the said period, the court below will be at liberty to proceed further in accordance with the impugned order under challenge, for the realisation of the said amount. Needless to say, the imprisonment period also will stand reduced proportionately with the amount paid or deposited.

This R.P(FC). is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.