

**Jayan vs Soumya**

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**SooperKanoon Citation :** [sooperkanoon.com/1279214](https://sooperkanoon.com/1279214)

**Court :** Kerala

**Decided On :** Mar-28-2025

**Judge :** Honourable Dr. Justice Kauser Edappagath

**Appeal No. :** OP(Crl.)/190/2025

**Appellant :** JAYAN

**Respondent :** Soumya

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947  
OP(CRL.) NO. 190 OF 2025 AGAINST THE ORDER DATED 23.11.2024  
IN MP NO.504 OF 2023 IN MC NO.171 OF 2023 OF FAMILY COURT,  
IRINJALAKUDA PETITIONER/RESPONDENT: JAYAN AGED 42  
YEARS S/O EDAPARAMBIL VEETIL CHANDRAN, NAYARANGADI  
DESAM, KALLOOR P.O., MUKUNDAPURAM TALUK, THRISSUR DIST,  
PIN - 680317 BY ADVS. REJI MATHEW.M N.SAJU THOMAS MATHEW  
VARGHESE MATHEWS K. NELLUVELY JOEL REJI MATHEW  
RESPONDENT/PETITIONER: SOUMYA AGED 35 YEARS D/O LATE  
SATHYAN, ARAKKAL VEETIL, KALLOOR P.O., ADHOOR DESAM,

MUKUNDAPURAM TALUK, THRISSUR DIST, PIN - 680317 THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

Ext.P5 interim order of maintenance is under challenge in this Original Petition.

2. The petitioner is the husband of the respondent. The Family Court, Irinjalakuda granted interim maintenance to the respondent at the rate of 5,000/- (Rupees Five thousand only) per month as per Ext.P5 order.

3. I have heard the learned counsel for the petitioner.

4. In the impugned order, it is stated that no counter

statement has been filed. When the case came up on the last posting date, the learned counsel for the petitioner submitted that no opportunity was given to the petitioner to file counter. Hence, I have summoned the copy of the

proceedings paper. It would show that right from 25.10.2023, the petitioner was given seven opportunities to file counter. Still he did not file counter. It is a case where M. P. No.504/2023 was filed for interim maintenance on 25.10.2023 and more than one year time has been given to the petitioner to file counter. Still he did not file any counter. Hence, the interim maintenance was ordered. Considering the entire facts and circumstances of the case, the quantum of maintenance granted to the respondent appears to be

very reasonable. I see no reason to interfere with the impugned order.

5. The learned counsel for the petitioner submitted

that the petitioner is suffering from intellectual disability and he cannot engage in any gainful employment. The said issue can be considered in the M.C. proceedings.

With the above observations, the Original Petition is dismissed. Sd/- DR. KAUSER EDAPPAGATH JUDGE BR APPENDIX OF OP(CRL.) 190/2025 PETITIONERS EXHIBITS Exhibit P1 A TRUE COPY OF THE PETITION DATED 23-11-2024 ALONG WITH THE MEDICAL CERTIFICATE DATED 08-10-2024 SUBMITTED BEFORE THE FAMILY COURT Exhibit P2 A TRUE COPY OF THE DISABILITY CERTIFICATE DATED 05-03-2025, ISSUED BY THE GENERAL HOSPITAL, IRINJALAKUDA

Exhibit P3 TRUE COPY OF M.C. NO. 171/2023 FILED Exhibit P4 23-11-2024 PASSED IN MP NO. 504/2023 IN MC NO. 171/2023 BY THE FAMILY COURT, IRINJALAKUDA RESPONDENTS EXHIBITS: NIL

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