

Samitha vs Mujeeb

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SooperKanoon Citation : sooperkanoon.com/1345364

Court : Kerala Orders

Decided On : May-22-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : OP(Crl.)/198/2023

Appellant : Samitha

Respondent : Mujeeb

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 22ND DAY OF MAY 2023 / 1ST JYASHTA, 1945 OP(CRL.) NO. 198 OF 2023 AGAINST THE ORDER/JUDGMENTMC 25/2018 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,THODUPUZHA PETITIONER/S: SAMITHA AGED 32 YEARS PULLOLIL HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE, THODUPUZHA TALUK., PIN - 685607 BY ADV MINI.V.A. RESPONDENT/S:

1 MUJEEB PULLOLIL HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE,THODUPUZHA TALUK NOW RESIDING AT PULLOLIL HOUSE, MULLAAVOOR, THACHODATH PADI., PIN -

686673 2 ALIYAR AGED 63 YEARS S/O.UMMER, RESIDING AT PULLOLIL HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE,THODUPUZHA TALUK., PIN - 685607 3 SHEREEFA AGED 61 YEARS W/O. ALIYAR, PULLOLIL HOUSE, VANNAPPURAM KARA, VANNAPPURAM VILLAGE,THODUPUZHA TALUK., PIN - 4 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031

OTHER PRESENT: SANGEETHA RAJ PP ..2.. THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 22.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..3..

K.BABU, J.

----- Dated this the
22nd day of May, 2023

ORDER

The reliefs prayed for in the Original Petition are as follows:- (i). direct the Judicial First Class Magistrate Court-I, Thodupuzha to take effective and coercive steps to recover the entire maintenance arrears due as per Exhibit-P3 from the 1st respondent.

(ii) Issue such other reliefs as deem fit and proper by this Honble Court in the facts and circumstances of the case.

(iii) Petitioner also prays that this Honble Court may be pleased to dispense with the translation of the documents produced in the Vernacular Language.

2. The petitioner is the applicant in M.C.No.25 of 2018, a petition filed under Section 12 of the Protection of Women from the Domestic Violence Act, 2005. In the ..4..

proceedings, the Court below passed an interim order

directing the party respondents to pay maintenance at the rate of Rs.10,000/- per month till the disposal of the application. The grievance of the petitioner is that the Court below is not effectively taking steps to execute the interim order.

3. This Court obtained a report from the Court below on the steps taken by the Court in CMP No.1755 of 2022 to ensure the recovery of maintenance. The relevant portion of the report reads thus:-

In this regard it is further submitted that Distress warrant is ordered in CMP 6547/2019 and in CMP and now it is pending. Again this Court directed to issue distress warrant on 04.03.2023 and the case is now stands posted to 20.05.2023. The MC is now pending for the return of distress warrants and also for the evidence of the petitioner. In this regard it is further submitted that this Court will take earnest efforts to dispose of the case at the earliest.

4. Having regard to the fact that the Court below is

..5.. taking effective steps to realise the amount due to the petitioner by ordering distress warrant, the Original Petition is closed with liberty to the petitioner to move the matter again, if required. Sd/- K.BABU, JUDGE kkj ..6.. APPENDIX OF OP(CRL.) 198/2023 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE M.C.NO.25/2018 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-NO.1, THODUPUZHA DATED 21.11.2018. Exhibit P2 THE TRUE COPY OF THE ORDER DATED

21-11-2018 IN C.M.P.NO.6355/2018 IN M.C.NO.25/2018 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-NO.1, THODUPUZHA Exhibit P3 THE TRUE COPY OF THE C.M.P.NO.1755/2022 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT- I, THODUPUZHA DATED 30.04.2022. Exhibit P4 THE TRUE COPY OF THE ORDER DATED 13-2-2019 IN C.M.P.NO.6355/2018 IN M.C.NO.25/2018 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, THODUPUZHA.