

Binju Mathew vs Ajay T. Thomas

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Court : Kerala

Decided On : Nov-01-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : OP(Crl.)/713/2022

Appellant : Binju Mathew

Respondent : Ajay T. Thomas

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023/10TH KARTHIKA,
1945 OP(CRL.) NO. 713 OF 2022 CRIME NO.0/0 OF , AGAINST THE
ORDER/JUDGMENT MC 89/2020 OF FAMILY COURT, IRINJALAKUDA
PETITIONER/S:

1 BINJU MATHEW, AGED 36 YEARS D/O. MANAYIL VEETIL
MATHEW, MANAYIL HOUSE, VADUTHALA DESOM, CHERANELLUR
VILLAGE, KANAYANNUR TALUK, ERNKULAM DISTRICT, PIN -
682023 2 (MINOR) ASHBI, AGED 3 YEARS (MINOR)ASHBI REP. BY
MOTHER & GUARDIAN, BINJU MATHEW, AGED 36 YEARS, MANAYIL

HOUSE, VADUTHALA DESOM, CHERANELLUR VILLAGE,
KANAYANNUR TALUK, ERNKULAM DISTRICT, PIN - 682 023., PIN -
682023 BY ADVS. SHERRY J. THOMAS JOEMON ANTONY ANTONY
NILTON REMELO

RESPONDENT/S: AJAY T. THOMAS, AGED 40 YEARS S/O.
THALIYANAYATH VEETIL THOMAS, PALATHINGAL ROAD, POYYA
VILLAGE P.O.KODUNGALLUR TALUK, PIN - BY ADV N.AJITH THIS
OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 01.11.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

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Dated this the 1st day of November, 2023

JUDGMENT

The above Original Petition is filed with following prayers:

[i] Call for the entire records pertaining to the facts

promulgated by the petitioner in the Original petition (Criminal), and Issue appropriate Orders / direction to modify the order dated 6-10-2022 in MP No. 58/2021 in MC No.89/2020 passed by the Family Court, Irinjalakkuda and allow the interim maintenance as Rs 10000/- and Rs.5000/- to the petitioners. [ii] Petitioners also prays that this Honourable Court may be pleased to dispense with the translation of the vernacular documents produced in the vernacular language. [iii] Such other reliefs that this Honourable Court may deem fit and proper to grant in the interest of justice. [iv] Award cost of the proceedings. (sic)

2. The challenge in this Original petition is against the

interim maintenance granted by the Family Court, Irinjalakkuda in M.P.No. 58 of 2021 in MC No.89 of 2020. The Family Court granted -3- interim maintenance at

the rate of Rs.2,000/- to the 2 nd petitioner. The petitioner is aggrieved by the quantum of maintenance.

3. Heard counsel for the petitioners and the counsel appearing for the respondents.

4. After hearing both sides I am of the considered opinion

that this original petition need not be retained here. There can be a direction to the Family Court to dispose of the main case itself immediately. All the contentions raised by the petitioners are left open. Therefore, this Original Petition is disposed of directing the Family Court, Irinjalakkuda to dispose of MC No.89 of 2020 as expeditiously as possible, at any rate, within six months from the date of receipt of a certified copy of this judgment. sd/- P.V.KUNHIKRISHNAN JUDGE

das -4-
APPENDIX OF OP(CRL.) 713/2022 PETITIONER ANNEXURES Annexure A1 .
THE CERTIFIED COPY OF THE ORDER IN M.P. NO. 58/2021 IN M.C. NO. 89/2020 DATED 6-10-2022. Annexure A2 THE TRUE COPY M.C. NO. 89/2020 DATED 30-06-2020. AnnexureA3 THE TRUE COPY OF THE OBJECTION FILED IN M.P. NO. 58/2021 DATED 6-8-2020 Annexure A4 THE TRUE COPY OF THE RECEIPT OF THE MEDICAL EXPENSE OF THE CHILD.

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