

P.P.Narayanan vs Ajitha.K.

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Court : Kerala

Decided On : Jun-27-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.Rev.Pet/461/2022

Appellant : P.P.Narayanan

Respondent : Ajitha.K.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 27TH DAY OF JUNE 2022 / 6TH ASHADHA, 1944
CRL.REV.PET NO. 461 OF 2022 MC 21/2009 OF JUDICIAL
MAGISTRATE OF FIRST CLASS, TALIPARAMBA CRA 426/2014 OF
ADDITIONAL SESSIONS COURT - IV, THALASSERY

REVISION	PETITIONER/APPELLANT/RESPONDENT	No.1:
P.P.NARAYANAN	AGED 59 YEARS S/O. LATE RAGHAVAN,	
P.B.NO.3668,	ADAS F.S.M. DEPARTMENT, ABHUDHABI, NOW	
RESIDING AT THANNIKAL	PARAMBIL ULLATHUCHALIL, SIVAGIRI	
P.O., MIE KUNNAMANGALAM,	KOZHIKODE-673 571. BY ADVS.	
K.VISWAN	D.ARUN	BOSE

RESPONDENTS/PETITIONER/RESPONDENT Nos.2 to 6: 1 AJITHA.K., W/O.NARAYANAN, AGED 45 YEARS, KIZHAKKEYIL HOUSE, PARASSINIKKADAVU, KANNUR TALUK, KANNUR DISTRICT 670 563. * 2 MADHAVI W/O.LATE RAGHAVAN, KADAMPERY HOUSE KOTTOOR, SREEKANDAPURAM, * (RESPONDENT No.2 DELETED FROM PARTY ARRAY AS PER

ORDER DATED 20.06.2022 IN CrI.M.A.No.1/2022)

CrI.R.P.No.461 of 2022 ..2..

3 RAVINDRAN AGED 62 YEARS S/O. LATE RAGHAVAN, KADAMPERY HOUSE, KOTTOOR, SREEKANDAPURAM, 4 LALITHA, AGED 59 YEARS, D/O. LATE RAGHAVAN, KADAMPERY HOUSE, KOTTOOR, SREEKANDAPURAM, 5 M.V.PADMANABHAN AGED 64 YEARS S/O.KUNHIKANNA, KOTTOOR, SREEKANDAPURAM, KANNUR TALUK, KANNUR DISTRICT-670 631. 6 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031.

SMT T V NEEMA -SR Public Prosecutor THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27.06.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.R.P.No.461 of 2022 ..3..

ORDER

This Criminal Revision Petition has been filed challenging the judgment in Criminal Appeal No.426/2014 dated 10.1.2020 on the file of the Additional Sessions Court-IV, Thalassery (for short 'the appellate court') confirming the order in M.C.No.21/2009 dated 21.6.2014 on the file of the Judicial First Class Magistrate Court, Taliparamba (for short 'the trial court').

2. The revision petitioner is the husband. The 1 st respondent is the wife.

3. The 1st respondent filed M.C.No.21/2009 against the

revision petitioner and his relatives invoking Section 12 of the Protection of Women from Domestic Violence Act, 2005. The learned Magistrate allowed the petition in part and the revision petitioner was ordered to pay maintenance at the rate of Rs.4,000/- per month to the 1st respondent from the date of the petition till the date of the order and Rs.10,000/- per month from the date of the order. The revision petitioner preferred appeal as Criminal Appeal No.426/2014. The appellate court dismissed the appeal confirming the order of the learned Magistrate. Now, the husband has preferred this Crl.R.P. challenging both the order and judgment. Crl.R.P.No.461 of 2022 ..4..

4. I have heard Sri.Prasanth, the learned counsel representing the revision petitioner and Smt.T.V.Neema, the learned Senior Public Prosecutor.

5. The marital status is not in dispute. The 1st

respondent is aged 45 years and the revision petitioner is aged 59 years. Admittedly, the 1st respondent is not having any job or source of income. The definite case put forwarded by the 1st respondent is that the revision petitioner is working as Airport Manger at Abudhabi and earning a monthly income of Rs.2,00,000/-. The revision petitioner also admitted that he is employed at abroad. But, his case is that he is drawing a monthly salary of Rs.10,000/-. No document has been produced to substantiate the same. As against the positive evidence given by the 1st respondent that the revision petitioner is employed at Abudhabi and earns a decent income in a month there is no rebuttal evidence on the side of the revision petitioner. The revision petitioner did not mount the box. Both the courts below concurrently found that the revision petitioner has means and ability to maintain the 1st respondent. Crl.R.P.No.461 of 2022 ..5..

6. The M.C. is of the year 2009. The M.C. was

disposed of in the year 2014. The court below ordered to pay maintenance at the rate of Rs.4,000/- per month from the date of the petition till the date of the order and Rs.10,000/- per month from the date of the order. I am of the view that the quantum of maintenance granted by the courts below is absolutely reasonable, if not inadequate. There is no impropriety or illegality in the impugned order. The

Crl.R.P. is dismissed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE skj

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