

Kripa, vs K.Unnikrishnan,

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Court : Kerala

Decided On : Feb-04-2022

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Sophy Thomas

Appeal No. : OP (FC)/42/2022

Appellant : KRIPA,

Respondent : K.Unnikrishnan,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
FRIDAY, THE 4TH DAY OF FEBRUARY 2022 / 15TH MAGHA, 1943
AGAINST THE ORDER/JUDGMENT IN OP 1060/2017 OF FAMILY COURT, PALAKKAD

PETITIONER: KRIPA, AGED 34 YEARS, D/O.SURENDRAN, W/O.UNNIKRISHNAN, KRIPA NIVAS, MANAKKALKADU, MALAMPUZHA P.O., PALAKKAD- 678 005. BY ADV V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT: K.UNNIKRISHNAN, AGED 47 YEARS, S/O.RAMAN, JANAKI NILAYAM, KALLAMPARAMBY,

KONALLUR, CHITTILANCHERRY, ALATHUR, PALAKKAD-678 704. BY ADV BABY MATHEW THIS OP (FAMILY COURT) HAVING BEEN FINALLY HEARD ON 04.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

A. Muhamed Mustaque, J This original petition has been filed by the petitioner in O.P No.1060 of 2017 on the file of the Family Court, Palakkad. The above OP was filed claiming maintenance from the respondent.

2. The petitioner at the belated stage filed an

application for summoning the staff of the establishment where the respondent is employed to prove the salary drawn by the respondent. That application has been dismissed, vide Ext.P9 order. Thereafter, again a petition was filed. That also has been dismissed. Impugning these orders, the petitioner has approached this Court.

3. We are not adverting to the circumstances in

which these matters have been dismissed. It is to be noted that the point involved before the Family Court is regarding the entitlement of the petitioner for the maintenance. In order to adjudicate the above claim, it is necessary to know the means of the respondent as well. It is proper that the Family Court, allow such application in the substantial interest of justice. We, therefore, set aside Exts.P9 and P11 orders. The application filed by the petitioner to obtain the salary details is allowed. This original petition is disposed of as above. A.MUHAMED MUSTAQUE SOPHY THOMAS PR APPENDIX OF OP (FC) 42/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE CMP NO.1128/2019 IN MC NO.136/2017 SUBMITTED BEFORE THE FAMILY COURT, PALAKAKD DATED 22.11.2019. Exhibit P2 TRUE COPY OF THE E COURTS PROCEEDINGS IN OP NO.1060/2017 OF FAMILY COURT, PALAKAKD DATED 05.01.2022. Exhibit P3 TRUE COPY OF THE CMP NO.33/2022 IN MC NO.136/.2017 OF THE FAMILY COURT, PALAKKAD DATED 10.01.2022. Exhibit P4 TRUE COPY OF THE E

COURTS PROCEEDINGS IN MC NO.136/.2017 OF FAMILY COURT, PALAKKAD DATED 11.01.2022. Exhibit P5 TRUE COPY OF THE IA NO.1/2022 IN OP NO.1060/2017 OF THE FAMILY COURT, PALAKKAD DATED 12.01.2022. Exhibit P6 TRUE COPY OF THE IA NO.2/2022 IN OP NO.1060/2017 OF THE FAMILY COURT, PALAKKAD DATED 12.01.2022. Exhibit P7 TRUE COPY OF THE E COURTS PROCEEDINGS IN OP NO.1060/2017 OF FAMILY COURT, PALAKKAD DATED 19.01.2022. Exhibit P8 TRUE COPY OF THE OBJECTION IN CMP NO.1128/2019 IN MC NO.136/2017 SUBMITTED BEFORE THE FAMILY COURT, PALAKKAD DATED 21.01.20. Exhibit P9 CERTIFIED COPY OF THE ORDER IN IA NO.1/2022 IN Exhibit P10 CERTIFIED COPY OF THE ORDER IN IA NO.2/2022 IN Exhibit P11 CERTIFIED COPY OF THE ORDER IN IA NO.3/2022 IN

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