

Kavitha vs State of Kerala

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Court : Kerala

Decided On : Jul-30-2020

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : CrI.MC/3294/2020

Appellant : Kavitha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN THURSDAY, THE 30TH DAY OF JULY 2020 / 8TH SRAVANA, 1942 CrI.MC.No.3294 OF 2020(B) AGAINST THE ORDER IN MC 31/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,KOTTARAKKARA PETITIONER/PETITIONERS: 1 KAVITHA, AGED 44 YEARS W/O.SURESHKUMAR, RESIDING AT ARUN NIVAS, 2 NISHA K.S., AGED 22 YEARS D/O.SURESHKUMAR, RESIDING AT ARUN NIVAS, 3 ARUNKUMAR S.K., AGED 19 YEARS D/O.SURESHKUMAR, RESIDING AT ARUN NIVAS, BY ADV. SRI.SAJU J PANICKER RESPONDENT/ DE FACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM. 2 SURESH KUMAR, AGED 50 YEARS S/O.RAMACHANDRAN PILLAI, RESIDING AT ARUN NIVAS, THEVALAPURAM P.O., KOTTARAKKARA, KOLLAM-691507. OTHER PRESENT: PP SREEJA V. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.07.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No.3294 OF 2020(B) ..2..

ORDER

Dated this the 30th day of July 2020

Petitioners are the wife, daughter and son respectively of the 2nd respondent. The matrimonial dispute between the first petitioner and the 2nd respondent resulted in the petitioners filing M.C.No.31 of 2016 before the Judicial First Class Magistrate Court-II, Kottarakkara under Section 23 of the Domestic Violence Act. Even though the learned Magistrate directed the 2nd respondent to pay Rs.3,000/- each to the petitioners as monthly maintenance, the direction was not complied with. Therefore, the petitioners filed C.M.P.No.4392 of 2018 seeking to attach the bank account jointly held by the first petitioner and the 2nd respondent and to retain Rs.9,000/- from that account each month. The grievance of the petitioners is that, in spite of the

CrI.MC.No.3294 OF 2020(B) ..3.. urgency expressed, the learned Magistrate is not passing orders on C.M.P.No.4392 of 2018.

2. In the report called for by this Court, the

learned Magistrate has stated that the 2nd respondent had filed objection to C.M.P.No.4392 of 2018 on 18.09.2018 and presently, the petition stands posted to 30.07.2020 for enquiry and hearing. It is pointed out that the entire Kottarakkara Municipality is declared as critical containment zone due to the outbreak of Covid-19 and there is no

regular sitting since 27.07.2020. the learned Magistrate has requested for two months time to dispose of the C.M.P.

3. This Court cannot be oblivious of the difficulties faced by the Subordinate Courts in the wake of the spread of Covid-19 pandemic. At the same time, in matters like the present one, where the CrI.MC.No.3294 OF 2020(B) ..4..

petitioners are denied monthly maintenance, in spite of direction in that regard issued by the jurisdictional court, every effort should be taken to see that the

order is complied with.

In the result, the Criminal M.C. Is disposed of directing the Judicial First Class Magistrate Court-II, Kottarakkara to ensure that C.M.P No.4392 of 2018 in M.C.No.31 of 2016 is disposed of within two months of the court resuming its normal functioning. Sd/- V.G.ARUN SB/05/08/2020 JUDGE CrI.MC.No.3294 OF 2020(B) ..5..

APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 THE TRUE COPY OF MC 31 OF 2016 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTARAKKARA. ANNEXURE A2 THE TRUE COPY OF THE OBJECTION FILED IN MC 31 OF 2016 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTARAKKARA. ANNEXURE A3 THE TRUE COPY OF THE ORDER IN CRL.M.P 1899 OF 2016 IN M.C 31 OF 2016 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTARAKKARA. ANNEXURE A4 THE TRUE COPY OF CMP 4392 OF 2018 IN MC 31 OF 2016 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTARAKKARA. ANNEXURE A5 THE TRUE COPY OF THE OBJECTION FILED BY THE 2ND RESPONDENT. // true copy //

P.A to Judge

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