

Joseph P. George Vs Binu Koshy K.M

Court: High Court Of Kerala

Date of Decision: Jan. 21, 2025

Acts Referred: Code of Criminal Procedure, 1973 " Section 125

Hon'ble Judges: Dr. Kauser Edappagath, J

Bench: Single Bench

Advocate: A.Shafeek, Praveen H Harikumar

Final Decision: Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. This original petition has been filed challenging the interim order of maintenance in a proceedings initiated under Section 125 of Cr.P.C.

2. The petitioner is the husband of the respondent. The marriage is not in dispute. Admittedly, the petitioner is a Gulf returnee and he is aged 60 years.

The learned counsel for the petitioner submitted that he is suffering from back pain and he is unable to do any work. It is a matter to be finally decided

in the maintenance proceedings.

3. Considering the requirement of the respondent and the means of the petitioner, the interim maintenance granted by the Family Court appears to be

absolutely reasonable. I see no reason to interfere with the said order.

4. The learned counsel for the petitioner submitted that since Ext.P4 order has not been complied with, the case stands posted to tomorrow for striking

off the defence. The Family Court is directed to adjourn the case and post after ten days, within which the petitioner shall deposit the entire arrears of

maintenance ordered by the Family Court. If the petitioner fails to pay the same within ten days, the Family Court is free to proceed with the case in

accordance with law.

The original petition is disposed of as above.