

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 25TH DAY OF OCTOBER 2022 / 3RD KARTHIA, 1944

CRL.REV.PET NO. 254 OF 2022

AGAINST THE JUDGMENT DATED 25.01.2022 IN CRA 214/2020 ON THE

FILE OF THE ADDITIONAL DISTRICT COURT-VI, ERNAKULAM IN

CMP.NO.1042/2020 IN MC 32/2020 OF JUDICIAL MAGISTRATE OF

FIRST CLASS -II, KOCHI

REVISION PETITIONER/1ST RESPONDENT/RESPONDENT:

DR.WESLEY K. ABRAHAM,
AGED 47 YEARS
S/O V. K ABRAHAM,
FLAT NO. 3D, 1ST BLOCK,
MATHER ORCHAD, VIDYA NAGAR ROAD,
KADAVANTHRA, ERNAKULAM-682020.

BY ADVS.
S.SREEDEV
ENOCH DAVID SIMON JOEL
RONY JOSE
LEO LUKOSE
SUZANNE KURIAN
CIMIL CHERIAN KOTTALIL

RESPONDENTS/APPELLANT & 2ND RESPONDENT/COMPLAINANT & STATE:

- 1 ANJU ANTONY,
AGED 42 YEARS
W/O.WESLY K. ABRAHAM &
D/O. J. ANTONY,
PUTHENPURACKAL HOUSE,
PALLURUTHY P.O.,
PALLURUTHY,
ERNAKULAM DISTRICT,
PIN- 682006.
- 2 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,

ERNAKULAM-682031.

BY ADVS.

REJI GEORGE GEORGE

SAISANKAR.S (K/002188/2021)

VARNA MANOJ (K/552/2016)

JOE JOSEPH KOCHIKUNNEL (K/307/1995)

SRI.G.SUDHEER, P.P

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 25.10.2022, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

O R D E R

This Crl.R.P. has been preferred challenging the judgment dated 25.01.2022 in Crl.A.No.214 of 2020 on the files of the Additional Sessions Court-VI, Ernakulam.

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

3. The wife filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the D.V. Act') claiming various reliefs. She also moved an application for interim maintenance under Section 23(1) of the D.V. Act. The learned Magistrate dismissed the application. In appeal, the Appellate Court granted maintenance at the rate of Rs.30,000/- per month for three children together. The said order is under challenge in this revision petition.

4. I have heard Shri.S.Sreedev, the learned counsel for the petitioner, Shri.Reji George, the learned counsel

for the 1st respondent and Shri.G.Sudheer, the learned Public Prosecutor.

5. The paternity of the children is not in dispute. The petitioner is a Dentist. The petitioner being the father of the children is legally and morally bound to maintain his children. The only dispute raised by the learned counsel for the petitioner is regarding quantum. It is submitted that the petitioner has now been ousted from the Clinic and he does not have any income. All these matters can be decided in the M.C itself after adducing evidence. All children are students. The quantum was fixed by the Appellate Court taking into account the requirement of the children and the means of the revision petitioner. I do not find any illegality or impropriety in the order passed by the Appellate Court directing the petitioner to pay monthly rent of Rs.10,000/- each to his three children.

Hence, this CrI. Revision Petition is dismissed. The

learned Magistrate is directed to dispose of M.C. itself as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this order.

Sd/-

DR.KAUSER EDAPPAGATH, JUDGE

AS