

IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Smt. Honey M. Varghese, Sessions Judge

Tuesday, the 1st day of July, 2025/10th Ashadha, 1947

Crl. M.P. No.2885 of 2025 in Crl. Appeal No.370 of 2025

Petitioners/Appellants/Respondents:-

1. Joseph Emmanuel, aged 52, years, S/o Francis, 12-F, Ultima Aerosky Apartment, Kollamkudimukal, Thrikkakara, Ernakulam, Pin 682 021, now residing at Ezhuthaikkal House, Kannamaly P.O., Chellanam, Ernakulam, PIN - 682 008.
2. Mary Francis, aged 74, W/o Francis, now residing at Ezhuthaikkal House, Kannamaly P.O., Chellanam, Ernakulam, PIN - 682 008.
3. Thresa Francis, D/o Francis, now residing at Ezhuthaikkal House, Kannamaly P.O., Chellanam, Ernakulam, PIN-682 008.
By Advs.N.Retheesh, Suma Retheesh, Shankar Retheesh and Aboobacker Siddique Bin Sherif

Respondents/Respondents/Petitioners:-

1. Nobimol Joseph, aged 41 years, W/o Joseph Emmanuel, 12 F, Ultima Aero Sky Apartment, Kollamkudimugal, Thrikkakara, PIN-682 021.
2. Tecsteena Joseph, aged 6 years, D/o Joseph Emmanuel, 12 F, Ultima Aero Sky Apartment, Kollamkudimugal, Thrikkakara, PIN-682 021.
3. Tessania Joseph, aged 4 years, D/o Joseph Emmanuel, 12 F, Ultima Aero Sky Apartment, Kollamkudimugal, Thrikkakara, PIN - 682 021.
(Respondents 2 and 3 are minors represented by their natural guardian and mother, the 1 Respondent)

This petition is filed u/s.29 of the Protection of Women from Domestic Violence Act, 2005, praying this court to stay the operation of the judgment dated 27.05.2025 in M.C No.30/2021 on the file of the Court of the Judicial First-Class Magistrate, Kakkanad, and further proceedings pursuant to it, pending disposal of the above appeal.

This petition coming on for hearing on 01.07.2025 and the court on the same day, passed the following:-

ORDER

This petition is filed to stay the execution of the order passed in MC 30/2021 dated 27/05/2025 on the file of Judicial First Class Magistrate Court, Kakkanadu.

2. Heard the petitioner and respondents and perused the averments in the petition as well as the grounds in the appeal memorandum.

3. The petitioner has made out an arguable case. Hence, execution of the order except condition no 1 and 2 passed in MC 30/2021 dated 27/05/2025 on the file of Judicial First Class Magistrate Court, Kakkanadu is stayed on condition of payment of Rs.7,500/- (Rupees Seven Thousand Five hundred only) before 10th of every month.

Issue notice to the respondents. For return of notice, objection and hearing to 16/08/2025.

Pronounced by me in open court on this the 1st day of July, 2025.

Sd/-

Honey M.Varghese
Sessions Judge

sk/
comp. By:

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