



2025:KER:18202

:1:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 4TH DAY OF MARCH 2025 / 13TH PHALGUNA, 1946

OP (CRL.) NO. 484 OF 2024

AGAINST THE ORDER DATED 16.04.2024 IN CRL.M.P.NO.132/2024
IN MC NO.220 OF 2022 OF FAMILY COURT, KOLLAM

PETITIONER/RESPONDENT IN MC:

PREM MURALI, S/O.MURALI
AGED 41 YEARS
VALIYA VEEDU, PALACE NAGAR-92, THEVALLY P.O., KOLLAM,
PIN - 691009

BY ADVS.
B.MOHANLAL
P.S.PREETHA
ASWIN V. NAIR
JAYAPRABHA ARJUN
BLESSY MARY SEBASTIAN
PRAVEENA T.

RESPONDENTS/PETITIONERS IN MC:

- 1 SMT.AMMU RAJENDRAN, D/O.RAJENDRAN
AGED 40 YEARS
NAVANEETAM, HOUSE NO:10, OORAMPALLIL KESAVAN NAGAR-10,
MUNDAKKAL WEST, KOLLAM, PIN - 691010
- 2 AADI NARAYANAN S/O.PREM MURALI
AGED 16 YEARS
REPRESENTED BY THE 1ST RESPONDENT MOTHER SMT.AMMU
RAJENDRAN, D/O.RAJENDRAN, AGED 40 YEARS, NAVANEETAM,
HOUSE NO:10, OORAMPALLIL KESAVAN NAGAR-10, MUNDAKKAL
WEST, KOLLAM, PIN - 691010

BY ADV S.ARUN RAJ

THIS OP (CRIMINAL) HAVING BEEN FINALLY HEARD ON 04.03.2025,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT

Ext.P3 order passed by the Family Court, Kollam granting maintenance in a proceedings under Section 125 of Cr.P.C. is under challenge in this original petition.

2. The petitioner is the husband of the 1st respondent and the father of the 2nd respondent. The respondents filed a maintenance case against the petitioner as MC No.220/2022 before the Family Court, Kollam claiming maintenance. The respondents also filed an application for interim maintenance as Crl.M.P.No. 132/2024. The Family Court after hearing both sides granted interim monthly maintenance of ₹25,000/- to the 1st respondent and ₹15,000/- to the 2nd respondent. The said order is under challenge in this original petition.

3. I have heard Sri.Mohanlal B., the learned counsel for the petitioner and Sri.S.Arunraj, the learned counsel for the respondents.

4. The marriage and the paternity are not in dispute. The petitioner being the husband of the 1st respondent and the father of the 2nd respondent is legally and morally bound to maintain them. The petitioner has raised a contention that the 1st respondent is engaged in the business of manufacturing and selling pickles under the name and style 'Illom Pickles'. The 1st respondent has admitted the same. But according to her, it is only a part time business and the income she gets from the said business is very meagre. She has produced Ext.A1



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acknowledgment of income tax return which would show that her annual income for the financial year 2023-24 is only ₹32,200/-. It is settled that a wife's temporary job even if it provides some income would not disentitle her to claim maintenance from her husband if she asserts that the said income is insufficient for her maintenance. The test is whether the wife is able to maintain herself more or less in the status in which her husband has maintained her (See *Jayaprakash E.P. v. Sheney P.* 2025 (1) KHC 587). The definite case of the 1st respondent in the claim petition is that the petitioner is doing his family business and earns substantial income. In paragraphs 6 and 7 of the objection statement, the petitioner has admitted that his father is a business man for nearly 50 years and he is doing business with his father by assisting him. The petitioner has produced the copy of his income tax return and his income shown in the returns is more than ₹5,00,000/- per year. Considering all these aspects, I am of the view that the quantum of interim monthly maintenance granted by the Family Court does not warrant any interference.

5. The learned counsel for the petitioner submitted that the petitioner has already deposited some amount towards interim monthly maintenance awarded to the 2nd respondent in the bank account of the 2nd respondent. The Family Court shall give credit to the said amount. However, hereafter the petitioner shall deposit the interim monthly maintenance amount granted to the 1st respondent as



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well as the 2nd respondent in the bank account of the 1st respondent.

The Family Court is directed to dispose of the MC itself untrammelled by any of the observations made in this judgment.

The Original petition stands dismissed with the above observations.

Sd/-

DR. KAUSER EDAPPAGATH

JUDGE

Rp



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APPENDIX OF OP(CRL.) 484/2024

PETITIONER EXHIBITS

Exhibit P1 THE TRUE COPY OF THE M.C.NO.220/2022 FILED BY THE RESPONDENTS BEFORE THE FAMILY COURT KOLLAM DATED 05.08.2022 AGAINST THE PETITIONER

Exhibit P2 THE TRUE COPY OF THE WRITTEN OBJECTION DATED 23/02/2024 FILED BY THE PETITIONER AGAINST EXT.P1

Exhibit P3 THE TRUE COPY OF THE CRL.M.P.NO:132/2024 IN M.C.NO:220/2022 FILED BY THE RESPONDENTS BEFORE THE FAMILY COURT, KOLLAM

Exhibit P4 THE TRUE COPY OF THE ABOVE ORDER DATED 16.04.2024 IN CRL M.P NO: 132/2024 IN MC NO: 220/2022 OF THE FAMILY COURT, KOLLAM

RESPONDENT EXHIBITS

Exhibit R-1 True copy of the passbook of the 2nd respondent

PETITIONER EXHIBITS

Exhibit P5 THE TRUE COPY OF THE ACCOUNT STATEMENT OF UCO BANK, KOLLAM BRANCH IN ACCOUNT NO.00710110050293 MAINTAINED IN THE NAME OF THE 2ND RESPONDENT

Exhibit P6 THE TRUE COPY OF THE ABOVE ORDER DATED 06/02/2022 IN CRL.M.P NO.488/2024 IN MC NO.220/2022 BEFORE THE LEARNED FAMILY COURT