

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 31ST DAY OF MAY 2013/10TH JYAISHTA 1935

OP (FC).No. 1879 of 2013 (R)

PETITIONER(S):

RAMAN @SENTHIL,
S/O.VARATHAN,
AGED 29 YEARS,
IHTP COLONY,
KULUKKUPARA,
PAZHANIYARPALAYAM PO,
KOZHINJAMPARA,
CHITTUR TALUK,
PALAKKAD DT.

BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA

RESPONDENT(S):

KAVITHA,
D/O.MURUGAN,
RESIDING AT 7/55,
NETAJIPURAM,
VELANTHAVALAM ROAD,
KAKKACHAVADI,
COIMBATORE TALUK & DISTRICT,
TAMIL NADU, 641001.

THIS OP (FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31-05-2013,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE O.P.NO.591/11 DT 30.6.11 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, PALAKKAD.

EXT.P2: TRUE CPY OF THE COUNTER STATEMENT IN OP NO.591/11 FILED BY THE PETITIONER.

EXT.P3: TRUE COPY OF I.A.NO.1857/12 FILED BY THE RESPONDENT INOP NO.591/11.

EXT.P4: TRUE COPY OF THE ORDER DT 26.11.2012 IN IA NO.1857/12 IN OP NO.591/11.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & P.D.RAJAN, JJ.
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O.P (FC) NO. 1879 OF 2013
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Dated this the 31st day of May, 2013

J U D G M E N T

Antony Dominic, J.

The petitioner and the respondent are husband and wife. Petitioner approached the Family Court, Palakkad by filing OP No.591/11 seeking divorce on the ground of cruelty. That OP is pending. In the said OP, respondent herein, the wife filed IA No.1857/12 seeking interim maintenance. After hearing the parties, the Court passed Ext.P4 order directing payment of ₹2,000/- per month towards interim maintenance in addition to ₹2,000/- as litigation expenses. It is this order which is under challenge in this OP.

2. The status of the parties is not in dispute. Therefore, the petitioner, being the husband, is bound to maintain his wife. There was no proof before the Family Court to the effect that the wife was able to maintain herself. In such circumstances, Family Court cannot be faulted for ordering interim maintenance. As far as the quantum ordered by the Family Court is concerned, even according to the petitioner, he is a mason. Therefore, the

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:2 :

monthly payment of ₹2,000/- cannot be said to be an onerous one. Therefore, we are unable to interfere with Ext.P4.

Original petition is dismissed.

Sd/-
ANTONY DOMINIC, JUDGE

Sd/-
P.D.RAJAN, JUDGE

Rp

//True Copy//

PA to Judge