

(2022) 10 KL CK 0239

In the High Court Of Kerala

Case No : Criminal Revision Petition No. 254 Of 2022

Dr.Wesley K. Abraham

APPELLANT

Vs

Anju Antony

RESPONDENT

Date of Decision : 25-10-2022

Acts Referred:

Protection of Women from Domestic Violence Act, 2005 — Section 12, 23(1)

Citation : (2022) 10 KL CK 0239

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : S.Sreedev, Enoch David Simon Joel, Rony Jose, Leo Lukose, Suzanne Kurian, Cimil Cherian Kottalil, Reji George George, Saisankar.S, Varna Manoj, Joe Joseph Kochikunnel, G.Sudheer

Final Decision : Dismissed

Judgement

Dr Kauser Edappagath, J

1. 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 Crl. 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.