

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

Thursday, the 1st day of December 2022 / 10th Agrahayana, 1944

R.P(FC) NO. 302 OF 2022

MC 269/2021 OF FAMILY COURT, TIRUR, MALAPPURAM.

REVISION PETITIONER/RESPONDENT IN THE MC:

MANIKANDAN, AGED 31 YEARS,

RESPONDENT/PETITIONER IN THE MC

RAVEENA, 25 YEARS,

This Rev.Petition(family court) coming on for orders upon perusing the petition and upon hearing the arguments of M/s.GOURI MEEMPAT,DEEPA NARAYANAN,K.SUJAI SATHIAN & SANGEETHA SREEKUMAR, Advocates for the petitioner and of M/s.K.R.VINOD & M.S.LETHA, Advocates for the respondent, the Court passed the following:

p.t.o



A.BADHARUDEEN, J.

RP (FC).No. 302 of 2022

Dated, this the 1st day of December, 2022

ORDER

In this matter, on notice, Adv. K.R. Vinod appears for the respondent.

2. It is submitted by the learned counsel for the petitioner that, as directed by this Court, as per order dated 01.11.2022, deposit has been effected.

3. The learned counsel for the respondent also did not dispute the deposit. But it is submitted by the learned counsel for the respondent that when the respondent filed petition before the Family Court to get the amount released, the same was objected by the revision petitioner.

4. He further submitted that RP(FC) No.316/2022 has been filed at the instance of the respondent also to enhance the maintenance, and both matters to be heard together.

5. Therefore, Registry is directed to call RP(FC) No.316/2022 along with this revision petition on 05.01.2023.

6. The interim order shall stand extended till then. Call for lower court records.

7. It is noticed that when arrears of maintenance being deposited before the Family Courts in obedience to the order/interim order or otherwise, Family Courts are reluctant to release the amount deposited to the claimants and unwantedly insist for orders from this Court to release the amount. It appears to be a bad practice which is detrimental to the interest of the claimants. In fact, it is the duty of the Family Courts to release the amount deposited within no time to the respondents, so as to help them for their survival. Therefore, I direct the Family Court to release the amount deposited in this case, within three days, on receipt of copy of this order, without fail and report

compliance.

8. Since it is noticed that this is the procedure that has been following in almost all the Family Courts, all Family Court Judges are directed to release the amount deposited towards arrears of maintenance under the orders of this Court or otherwise to the claimants at the earliest. It is also ordered that when amounts are deposited, being part of arrears of maintenance, the Family Court shall immediately secure the presence of the claimant/claimants, after contacting them through their lawyers or in the telephone numbers of the claimants, if available in the office, and shall release the amount directly to the parties, without effecting deposit of the same in the treasury and to put the claimants in further trouble. If such way of payment of the amount is not feasible, despite having opted the procedures herein above referred, then the amount can be deposited in accordance with law.

It is specifically made clear that the amount, if any, deposited towards arrears of maintenance, with rider not to release the amount, such amount alone shall not be released in view of this direction.

Registry is directed to forward a copy of this order to family court concerned, within seven days, for information and with direction to comply the same without fail.

Forward copy of this order to all the District Bar Associations in the State for their information and with request to forward the same to the Bar Associations in sub centres and Mofusil centres for information.

H/o.

**Sd/-
A. BADHARUDEEN,
JUDGE**

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