

Kerala High Court

K.Abbas vs M.K.Subaida on 15 October, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 858 of 2006()

1. K.ABBAS, S/O.MOIDU HAJI, AGED 31 YEARS,  
... Petitioner

Vs

1. M.K.SUBAIDA, D/O.HABEEB,  
... Respondent

2. ANEEZ.M.K., (MINOR) REPRESENTED BY

3. FATHIMA.M.K. (MINOR), REPRESENTED BY

4. STATE OF KERALA, REPRESENTED BY THE

For Petitioner :SRI.R.SURENDRAN

For Respondent :SRI.I.V.PRAMOD

The Hon'ble MRS. Justice K.HEMA

Dated :15/10/2009

O R D E R

K.HEMA, J.

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Crl.M.C.No.858 of 2006  
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Dated this the 15th day of October, 2009

ORDER

Learned counsel for the petitioner submits that he has no instructions from the petitioner. The learned counsel for the first respondent submitted that the matter would have become infructuous since the order challenged herein is passed in the petitions filed under section 125(3), for execution of a maintenance order and those petitions were filed as early as in 2006 while the petitioner was in jail. He would have already undergone the imprisonment, it is submitted.

2. The proceedings would show that he was undergoing imprisonment in Central jail and the vakalath was executed before the Superintendent of Central Jail. It is also brought to my notice by the respondent's counsel that even though there was an order to release the petitioner from custody, on certain conditions, the petitioner has not complied with the condition, by depositing an amount of Rs.10,000/- in all the five cases, as directed.

In the above circumstances, I find that there is no purpose in proceeding with this case especially since even the petitioner's counsel is not having instructions in the matter. Hence, this petition is dismissed.

K.HEMA, JUDGE Skj.