

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

RPFC.No. 1 of 2012 ()

MC 339/2008 of FAMILY COURT,ERNAKULAM

REVISION PETITIONER:

RAJU, AGED 37 YEARS
S/O.CHANDRAN, PUTHUMANA HOUSE, VELIYATHAMAPARAMBU KARA
NAYARAMBALAM VILLAGE, KOCHI TALUK, ERNAKULAM DISTRICT

BY ADV. SRI.B.RAMACHANDRAN
SMT.K.V.REKHA

RESPONDENT:

JASMINE, AGED 33 YEARS
D/O.RAMATHEERTHAN, KUNNAPILLY HOUSE, CHERAI KARA
PALLIPURAM VILLAGE, KOCHI TALUK, ERNAKULAM DIST-683514

BY ADV. SRI.K.S.BABU
BY ADV. SMT.N.SUDHA
BY ADV. SRI.K.S.GOPI
BY ADV. SRI.ANTONY MATHEW
BY ADV. SRI.VIPIN VISWAN
BY ADV. SRI.BABU SHANKAR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.1 of 2012

Dated this the 26th day of October 2015

O R D E R

The revision petitioner is the respondent in M.C. No.39 of 2008 on the files of the Family Court, Ernakulam.

2. The revision petitioner was directed by the court below to pay a monthly maintenance of Rs.1,500/- to the respondent, who is the wife of the revision petitioner.

3. Heard both sides.

4. The status of the respondent as the wife of the revision petitioner is admitted. However, the revision

petitioner would contend that after the marriage, they resided only for six days, as the respondent developed mental ailments. According to the revision petitioner, the said fact was concealed from him before the marriage.

5. The respondent would contend that the revision petitioner had married another person after abandoning the respondent. The respondent is unemployed and she is not having any source of income for her livelihood. The father of the respondent is aged 73 years and he is also suffering from ailments. The respondent requires Rs.2,000/- per month to meet her basic needs. The revision petitioner is immensely rich and he is having vast extent of properties. He is having fishing boat fitted with motor. He is also engaged in fishing, earning more than Rs.10,000/- per month.

6. The revision petitioner contended that he is only a fisherman earning only Rs.2,000/- per month. The respondent is employed in a shop and she gets Rs.2,500/- per month from the said employment.

7. Before the court below, PW1 was examined for the respondent herein and RW1 to RW3 were examined for the revision petitioner.

8. Even though it was alleged that the respondent was employed in a shop, no material was produced before the court to prove the same. The revision petitioner admitted that he is having property in Nayarambalam village. He was engaged in fishing for nearly 20 years. Eventhough the revision petitioner contended that the respondent is getting Rs.2,500/- per month as income from her employment, the court below did not accept the same

as there was no convincing material before the court to substantiate the same. The court below rightly disbelieved the oral evidence of RW2 and RW3, being interested testimonies, and held that there is no convincing material before the Court to prove that the respondent is employed in a shop as contended by the revision petitioner. The court below also did not believe the oral evidence of RW1 to RW3 with regard to the income of the revision petitioner. The revision petitioner was admittedly a fisherman by profession. Considering the facts and circumstances of the case, including the needs of the respondent and the probable income of the revision petitioner, the court below fixed the quantum of maintenance at Rs.1,500/- per month, which, in my view, is not exorbitant and unreasonable. Having gone through the

relevant inputs, I do not find any reason to hold that the quantum of maintenance awarded by the court below suffers from any infirmity warranting interference by this Court.

In the result, this revision petition stands dismissed.

Sd/-

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA to Judge