

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

RPFC.No. 49 of 2012 ()

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AGAINST THE ORDER IN MC 443/2008 of FAMILY COURT, PALAKKAD  
DATED 05-01-2012

REVISION PETITIONER(S)/PETITIONERS/PETITIONERS::

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1. B. SARITHA, AED 37 YEARS,  
D/O. A. BHASKARAN, RESIDING AT 8/48,  
SURABHI, VIDYUTH NAGAR, COLLEGE ROAD, PALAKKAD.

2. MANASA, AGED 7 YEARS, (MINOR),  
REPRESENTED BY HER MOTHER AND GUARDIAN, B. SARITHA  
D/O A. BHASKARAN, R/A.8/48, &quot;SURABHI&quot;  
VIDYUTH NAGAR, COLLEGE ROAD, PALAKKAD.

BY ADVS.SRI.K.V.SACHIDANANDAN  
SRI.JAYKAR.K.S.  
SRI.ARUN.B.VARGHESE  
SMT.M.RAMYA RAMACHANDRAN  
SMT.C.R.DIYA

RESPONDENT(S)/RESPONDENT/COUNTER PETITIONER::

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E.R. JAYAN  
S/O LATE RAMAN, ERATTU HOUSE, ALA  
KOTHAPARAMBU, KODUNGALLOOR P.O., THRISSUR-680664.

R1 BY ADV. SRI.K.P.MUJEEB

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY  
HEARD ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**B. SUDHEENDRA KUMAR, J.**

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**Dated this the 8<sup>th</sup> September, 2015**

**ORDER**

The revision petitioners are the petitioners in M.C. 443 of 2008 on the files of the Family Court, Palakkad. The 2<sup>nd</sup> revision petitioner was granted a monthly maintenance of Rs. 2,000/- by the court below. However, the request of the first revision petitioner for maintenance was declined by the court below. Aggrieved by the above said order, this Revision petition (FC) has been filed.

2. Heard.

3. The first revision petitioner is the wife and the second revision petitioner is the daughter of the respondent. According to the revision petitioners, the respondent herein is having a

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monthly income of Rs. 30,000/- from his business. The respondent had contended that he is not having any income as contended by the revision petitioners. According to him, he is having ailment and hence he is not in a position to do any work. He is not having any income.

4. After evaluating the relevant inputs, the court below found that the respondent is earning a monthly income of Rs. 15,000/-. Eventhough the Ist revision petitioner contended that she is not having any income, Ext. D9 produced by the respondent would show that the first petitioner (PW1) is working as a teacher, earning a monthly salary of Rs. 2,500/- per month. Eventhough, the first petitioner was working as a teacher during the period when the evidence was given by her before the Court below, she had stated before the Court below that she was not

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having any employment. She is having B.A. B.Ed qualification. According to the learned counsel for the respondent herein, the petitioner was teaching in some other school prior to the joining in the present school. The court below found that since the first petitioner was having means for her livelihood, she is not entitled to get maintenance from the respondent.

5. Having gone through the relevant inputs, I am satisfied that the court below has correctly evaluated the evidence including the evidence of PW1 and Ext.D9 and came to the conclusion that the first petitioner is not entitled to maintenance from the respondent. The 2<sup>nd</sup> petitioner is the daughter of the respondent. She is studying in 4<sup>th</sup> standard. Considering the expenses for education, food, clothing etc., the court below awarded an amount of Rs. 2,000/- to the 2<sup>nd</sup> petitioner towards

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her monthly maintenance. The claim of the petitioner is for Rs. 3,000/- for the second petitioner.

6. Considering the facts and circumstances of the case, including the cost of living and the education expenses, I am of the view that the quantum of maintenance awarded by the court below to the 2<sup>nd</sup> petitioner can be enhanced to Rs. 2,500./- to secure the ends of justice, and accordingly, I order so.

7. Having gone through the relevant inputs, I do not find any reason to interfere with the finding of the court below that the first petitioner is not entitled to maintenance from the respondent. However, the quantum of maintenance awarded by the court below to the second petitioner is liable to be enhanced to Rs. 2,500/- per month to secure the ends of justice.

In the result, this Revision petition (FC) stands allowed in

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part modifying and enhancing the quantum of maintenance awarded to the 2<sup>nd</sup> petitioner to Rs. 2500/- (Rupees two thousand five hundred only) per month. The order of the court below declining to grant maintenance to the first petitioner stands confirmed.

Sd/-B. SUDHEENDRA KUMAR,  
JUDGE.

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P.S. to Judge