

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

RPFC.No. 100 of 2012 ()

MC 637/2010 OF FAMILY COURT, MALAPPURAM

REVISION PETITIONER/RESPONDENT:

CHOLAKKAL MUHAMMEDALI, AGED 40 YEARS
S/O.KUNHI MAMMU, CHOLAKKAL HOUSE
MANGATTUPULAM, KODUR P.O., KODUR AMSOM DESOM
PERINTHALMANNA TALUK
NOW RESIDING AT KODUR VARIKKODE, P.O.WEST KODUR
MALAPPURAM DISTRICT. (MALAPPURAM POLICE STATION LIMIT).

BY ADVS.SRI.P.SAMSUDIN
SRI.P.BABU KARTHIKEYAN.

RESPONDENT(S)/PETITIONERS:

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1. PULAKKAL MUNEEERA
AGED 30 YEARS, D/O.BEERAN, PULIKKAL HOUSE
PARAPPUR VEENALUKKAL, PARAPPUR P.O., TIRURANGADI TALUK
MALAPPURAM DISTRICT
PIN-676 552 (VENGARA POLICE STATION LIMIT).
 2. MUHAMMED JASIL,
AGED 8 YEARS (MINOR), (MINOR PETITIONER IS REPRESENTED BY
GUARDIAN MOTHER, 1ST RESPONDENT.)

R1,R2 BY ADV. SRI.P.M.RAFIQ
R1,R2 BY ADV. SRI.V.C.SARATH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.100 of 2012

Dated this the 26th of November, 2015

ORDER

The revision petitioner is the respondent in M.C.No.637 of 2010 on the files of the Family Court, Malappuram. The revision petitioner was directed by the court below to pay ₹3,000/- per month to the first respondent and ₹2,000/- per month to the second respondent towards their maintenance.

2. Heard both sides.

3. The status of the first respondent herein as the wife and the second respondent herein as the child of the revision petitioner is not disputed.

4. According to the respondents, the revision petitioner developed illicit relationship with Smt.Sabna and thereafter, he deserted the respondents. The first respondent is not having any job or source of income for livelihood. The revision petitioner is an autorickshaw driver, having landed property. He has also an employment in a press, drawing ₹20,000/- per

month.

5. The counter petitioner filed objection denying the cruelty. He also contended that he is not an autorickshaw driver and he has no income to maintain the respondents.

6. Before the court below, PW1 was examined and Exts.A1 to A10 were marked for the respondents herein. RW1 was examined for the revision petitioner.

7. There is no contention that PW1 is employed. The evidence on record would also show that PW1 is not employed. Even though PW1 stated that RW1 is an autorickshaw driver, there is no material to prove the same. RW1 stated that RW1 is not having any job or source of income to maintain the respondents. It is borne out from the records that RW1 has to maintain another wife and child. There is no material before the court to show the job or income of the revision petitioner. There is no material before the court to hold that the revision petitioner is having any ailment incapacitating him to do the work. The revision petitioner is an able bodied person.

8. The court below after evaluating the evidence, came

to the conclusion that there was sufficient cause for the respondents living separately from the revision petitioner. The court below further found that the revision petitioner is having the capacity to maintain the respondents. The second respondent is studying in ICET English Medium School, Kodur. The first respondent requires money for the education and other welfare activities of the second respondent.

10. Taking into consideration of the status of the parties, the needs of the respondents and the probable income of the revision petitioner, the court below fixed the quantum of maintenance as stated above. The quantum of maintenance awarded by the court below is not exorbitant or unreasonable. Having gone through the relevant inputs, I do not find any infirmity in the order impugned, warranting interference by this Court.

In the result, this RP(FC) stands dismissed.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE