

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

RPFC.No. 1 of 2011 ()

AGAINST THE ORDER IN MC 1032/2009 of FAMILY COURT, MALAPPURAM
DATED 03-11-2010

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REVISION PETITIONER/RESPONDENT:

HAMSA VADAKKAN S/O.LATE AHAMMEDKUTTY
C/O.SAKEER HUSSAIN, VADAKKAN HOUSE, MOOTHEDAM P.O.
EDAKKARA VIA, NILAMBUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S)/PETITIONERS:

1. SAINABA PARAPPURAVAN W/O. HAMSA
VADAKKAN HOUSE, MOOTHEDAM P.O., EDAKKARA VIA
NILAMBUR TALUK, MALAPPURAM DISTRICT- 679331.

2. MUHAMMED FASIL (MINOR), S/O.HAMSA
(REPRESENTED BY MOTHER-GUARDIAN
THE FIRST RESPONDENT)-679331.

R1-2 BY ADV. SRI.K.M.SATHYANATHA MENON

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

R.P(FC). No.1 of 2011

Dated this the 9th day of June, 2015.

O R D E R

The revision petitioner is the respondent in M.C.No.1032/09 on the files of the Family Court, Malappuram. In the above M.C., he was directed to pay maintenance allowance at the rate of Rs.4,000/- to the first respondent and Rs.3,500/- to the second respondent per month from the date of filing of M.C. The legality of the entitlement of maintenance allowance and the correctness of the quantum fixed by the court below are under challenge in this revision petition.

2. Heard the learned counsel for the revision petitioner and the respondents. Both counsel advanced arguments in support of their respective contentions in the M.C. The marital status of the first respondent as wife and the paternity of the second respondent as the child born in the said wed lock are

not disputed. According to the first respondent, she has no job or income. But the revision petitioner failed to maintain them and refused to pay maintenance allowance to them from 2008 onwards. She is unable to maintain herself and the child whereas the revision petitioner was employed abroad and amassed wealth sufficiently from gulf country and after returning from gulf he is getting sufficient income from his landed properties and buildings, which were rented out to others. It has come out in evidence that after leaving the company of the first respondent the revision petitioner married another lady by name Jameela and now he is residing with her. In evidence, he himself admitted that he has his own house and landed properties. Ext.A2 series are the photos of three fully constructed houses owned by the revision petitioner. He himself admitted that recently he has sold away 7 cents of property and 2.10 acres of garden land at Moothedath. After considering the extent of landed property, which the petitioner had owned and possessed, the court below arrived at a conclusion

that the revision petitioner is well off and can spare reasonable amount for the wife and minor child. I find no ground to interfere with the said finding.

3. 'Maintenance' includes provision for food shelter clothes, medical attendance, educational expenses, etc. The husband is liable to pay maintenance allowance to his family in accordance with their living status and day-to-day requirements. Considering the steep increase in the living cost caused by inflation and the income of the revision petitioner, I find that the quantum of maintenance allowance determined by the court below is just and reasonable and no interference is called for.

Consequently, this R.P.(FC) is dismissed.

Sd/-
K. HARILAL, JUDGE

okb.