

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

RPFC.No. 22 of 2011 ()

AGAINST THE ORDER IN MC 207/2008 of FAMILY COURT,KOLLAM

REVISION PETITIONER(S)/CR.PETITIONER:

C.R.SREEKUMAR, AGED 47 YEARS,
S/O.RAGHAVAN NAIR, CHITTOOR VEEDU, NADUVATHU CHERRY,
PUTHENCHANTHA POST, PANMANA.

BY ADV. SRI.A.AHZAR

RESPONDENT(S)/PETITIONER:

INDULEKSHMI, D/O.C.R.SREEKUMAR,
AGED 10 YEARS, KADAKKETHU VEEDU, MULLAKKERY,
PANMANA VILLAGE, KOLLAM, REPRESENTED
BY HER MOTHER/GUARDIAN SREEJAYA, AGED 37 YEARS,
D/O.SUMATHY AMMA OF -DO-.

BY ADV. SRI.R.KISHORE

BY ADV. SRI.G.HARIPRASAD

BY ADV. SRI.ARUN BABU

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

R.P(FC). No.22 of 2011

Dated this the 11th day of June, 2015.

O R D E R

The revision petitioner is the respondent in M.C.No.207/08 on the files of the Family Court, Kollam, which was filed by the respondent herein, who is the daughter of the revision petitioner, claiming maintenance allowance under Section 125 of the Code of Criminal Procedure. According to the respondent, she is the daughter of the revision petitioner in the wedlock with Sreejaya and the said Sreejaya is the legally wedded wife of the revision petitioner. He neglected to look after the affairs of the respondent and her mother and went abroad in the year 1999. From 28.4.2004 onwards he neglected to provide maintenance allowance to them. Her mother is not able to maintain herself and the respondent as she has no job or any source of income. But the petitioner is working in an Oil Company in Kuwait and drawing a monthly salary

of Rs.55,000/- and he is an able bodied man also. So he has sufficient financial capacity to maintain the respondent. He has wilfully evaded to provide maintenance to the respondent. The respondent is studying in 5th standard in an English Medium School and she requires Rs.3,000/- per month to meet her educational expenses. Though notice has been duly served in accordance with law, he remained absent and he was set ex parte. The mother of the respondent filed affidavit in support of the case set forth in the petition. Thus, her claim for maintenance has been proved by the averments in the affidavit, which stand unchallenged. In the above context, relying on the available evidence on record, the court below directed the revision petitioner to pay maintenance allowance @ Rs.3,000/- to the respondent herein. The father is liable to pay maintenance allowance to his children in accordance with their status of life and day-to-day requirements. The respondent is studying in 5th standard in an English Medium School. A considerable

amount is required to meet her educational expenses. Having regard to the said facts, I find that the direction to pay maintenance allowance @ Rs.3,000/- per month is reasonable, just and proper and there is no reason to interfere with the said finding.

2. The learned counsel for the revision petitioner sought for some time to pay the arrear. Having regard to the facts and circumstances of the case, the revision petitioner is given four months time to pay the arrear, provided that half of the entire arrear shall be paid within first two months and the remaining balance shall be paid within the next two months. In the event of failure to pay the first instalment, this instalment facility will stand automatically vacated and the respondent is at liberty to realise the entire arrear in lump sum, in accordance with law. Warrant, if any, pending in execution of the impugned order shall be kept in abeyance for a period of two months and if the revision petitioner pays the first instalment, the warrant shall be kept in abeyance

for a further period of two months.

This R.P(FC) is dismissed accordingly.

Sd/-
K. HARILAL, JUDGE

okb.