

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

R.P.F.C.No. 25 of 2011

MC 325/2010 of FAMILY COURT, MALAPPURAM DATED 13-10-2010

REVISION PETITIONERS/RESPONDENT :

ABDUL RASHEED, S/O.MUHAMMEDKUTTY,
ANDIPPATTIL (H), PONNANI ANGADI
PONNANI NAGARAM AMSOM DESOM, PONNANI PO, PONNANI TALUK
MALAPPURAM DISTRICT.

BY ADV. SRI.K.B.ARUNKUMAR

RESPONDENT/PETITIONER :

VAHEEDA,
D/O.ABDULLA @ KUNHAPPUTTI, THEVALAPPIL (H)
EZHUVATHIRUTHI AMSOM, ERIKKAMANNA DESOM, PONNANI P.O
PONNANI TALUK, MALAPPURAM DISTRICT- 673 506.

BY ADV. SRI.SANTHEEP ANKARATH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

STU

K.HARILAL, J.

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R.P.(FC) No.25 of 2011

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Dated this the 12th day of June, 2015

ORDER

The revision petitioner is the respondent in M.C. No. 325 of 2010 on the files of the Family Court, Malappuram. The above M.C. was filed by the respondent herein, who is the wife of the petitioner, under Section 125 of the Code of Criminal Procedure, claiming maintenance allowance from the petitioner. The court below directed him to pay maintenance allowance @ ₹2,500/- to the respondent herein. The legality of the entitlement of maintenance allowance and the correctness of the quantum of amount fixed by the court below are under challenge in this revision petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The learned counsel appearing for both parties advanced arguments in

support of the respective contentions raised in the M.C.

3. The marital status of the respondent as legally wedded wife is not disputed. It has come out in evidence that the petitioner is facing two criminal prosecutions launched by the respondent herein for the offence punishable under Section 498A IPC and for the offence under Protection of Women from Domestic Violence Act. After analysing the strained relationship, the court below observed that there is no prospect of re-union in near future and the separation is admitted by both parties. The petitioner has admitted that after the separation, he has not paid any amounts towards maintenance allowance. In that context, the court below is justified in directing the petitioner to pay maintenance allowance.

4. Coming to the correctness of the quantum of maintenance allowance, it has come out in evidence that the petitioner was employed in gulf after marriage and he is a driver by profession. Recently, he has contracted a third

marriage. That itself shows that he is aware of the fact that a Musal man can have more than one wife at a time, provided that, he must be confident of looking after all the wives equally and equitably. The petitioner himself admitted that he is working as a driver of a school bus and holder of a heavy licence and badge. He has no case that he is physically disabled or incapacitated to do work. A husband is liable to pay maintenance allowance in accordance with status, standard of life and day to day requirements of the wife. In the above view of the matter, the court below is justified in directing the petitioner to pay maintenance allowance @₹2,500/- to the respondent. No interference is called for under revisional jurisdiction.

The revision petition is dismissed accordingly.

Sd/-
K.HARILAL, JUDGE.

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P.A to Judge