

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

RPFC.No. 41 of 2011 ()

M.C 69/2007 of FAMILY COURT, ALAPPUZHA

REVISION PETITIONER/PETITIONER:

ANILKUMAR, AGED 40 YEARS,
S/O.RAMAKRISHNAN KURUP, KOLABHAGATH THARAYIL, AISWARYA
EREZHA SOUTH, PERINGALA VILLAGE, MAVELIKKARA.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENTS:

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1. MINI.R., AGED 36 YEARS, THARAYIL,
D/O.RAJAMMA, KOLABHAGATH THARAYIL, AISWARYA
EREZHA SOUTH, PERINGALA VILLAGE, MAVELIKKARA.
 2. GAYATHRI KRISHNAN, AGED 10,
REPRESENTED BY THE MOTHER AND NATURAL GUARDIAN.
 3. GAURIKRISHNAN, AGED 6 YEARS,
REPRESENTED BY THE MOTHER AND NATURAL GUARDIAN.

R1 TO 3 BY ADV. SRI.C.S.MANILAL
R1 TO 3 BY ADV. SRI.S.NIDHEESH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
02-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.41 of 2011

Dated this the 2nd day of November 2015

O R D E R

The revision petitioner is the respondent in M.C.No. 69 of 2007 on the files of the Family Court, Alappuzha. The revision petitioner was directed to pay an amount of Rs.1,250/- each to each of respondent Nos.2 and 3, who are the minor children of the revision petitioner, towards the monthly maintenance. Aggrieved by the said order, this revision petition has been filed.

2. Heard.

3. The paternity of respondent Nos.2 and 3 is admitted by the revision petitioner. The revision petitioner also

admitted that the first respondent is his wife. The respondents contended that the respondents were deserted by the revision petitioner on 19.11.2005 and thereafter, the revision petitioner refused to maintain them. Respondent Nos.2 and 3 are school going children. The first respondent is not having any source of income for her livelihood. The revision petitioner is working in I.C.I.C.I. Bank as a Financial Advisor, earning Rs.30,000/- per month.

4. The revision petitioner filed objection stating that the first respondent is having 36 cents of property. It was contended by the revision petitioner that the first respondent is conducting a medical shop, getting Rs.6,000/- per month from the said business. She is also

getting an amount of Rs.2,000/- from the landed properties.

The revision petitioner is not having any source of income, except an amount of Rs.1,000/- which he gets from his Textile business.

5. Before the court below, PW1 was examined on the side of the respondents. RW1 was examined and Exts.B1 to B4 were marked for the revision petitioner.

6. Even though the respondents contended that the revision petitioner is working as a Financial Advisor in ICICI Bank earning Rs.30,000/- per month, there is no material before the court to prove the same.

7. The court below, after evaluating the oral and documentary evidence adduced by the parties, found that the first respondent is the owner of a Medical shop from

which she gets income and hence, she is having sufficient income to maintain herself. In the said circumstances, the court below did not grant any maintenance to the first respondent.

8. The court below found that respondent Nos.2 and 3 are the minor children of the revision petitioner. The revision petitioner, being the father of the minors, he is bound to maintain them. The revision petitioner is a healthy person, capable of doing business and earning money. The court below, taking into consideration of the needs of the respondents, the standard of living and the capacity of the revision petitioner, awarded monthly maintenance of Rs.1,250/- each to each of respondent Nos.2 and 3. The quantum of maintenance ordered by the

court below cannot be said to be exorbitant or unreasonable. No circumstance has been brought to my notice to indicate that the order passed by the court below suffers from any infirmity warranting interference by this Court.

In the result, this revision petition stands dismissed.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/2.11.2015

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PA to Judge