

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. 115 of 2011

MC 387/2008 of FAMILY COURT, MALAPPURAM

REVISION PETITIONER/RESPONDENT:

P.MUHAMMED KUTTY,
S/O.MOIDEEN HAJI, PONNACHAM PARAMBIL MATTIL VEEDU
NEEROLPPALAM, THENHIPALAM, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.P.SUDHEER
SMT.BINDU GEORGE

RESPONDENTS/PETITIONERS:

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1. K.KHAMARUNNEESA,
D/O.MUHAMMED, KANIKOTTU MANJAM THODUVIL VEEDU
P.O.MONGAM, ERNAD TALUK.
 2. RISHAD (MINOR),
AGED 11 YEARS
REP. BY GUARDIAN MOTHER IST RESPONDENT.
 3. RUSHDA, (MINOR),
AGED 8 YEARS
REP. BY GUARDIAN MOTHER IST RESPONDENT.

BY ADV. SRI.BABU S. NAIR
R BY ADV. SRI.K.RAKESH

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.115 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.387 of 2008 on the files of the Family Court, Malappuram. The revision petitioner was directed to pay an amount of Rs.3,000/- to the first respondent, Rs.1,500/- to the 2nd respondent and Rs.1,000/- to the third respondent towards their monthly maintenance. Aggrieved by the said order, this revision petition has been filed.

2. Heard.

3. The status of the first respondent as the wife and respondent Nos.2 and 3 as the children of the revision

petitioner, is not disputed. The revision petitioner contracted another marriage and he is residing with another wife. According to the first respondent, she was deserted by the revision petitioner after the 2nd marriage of the revision petitioner. The first respondent is not having any source of income for the maintenance of the respondents. The respondents contended that the revision petitioner is working abroad, earning Rs.2,00,000/- per month. He is having landed property also.

3. Before the court below, PW1 was examined and Exts.P1 and P2 were marked for the respondents. RW1 was examined for the revision petitioner.

4. The court below found that the first respondent was treated with cruelty by the revision petitioner and hence, there was justification for the respondents to leave the

company of the revision petitioner. Eventhough the revision petitioner contended that the marriage with the first respondent was dissolved by pronouncing Talaq, his evidence would show that he did not communicate the *factum* of talaq to the first respondent. Admittedly, no amount was paid to the first respondent under the personal law. The court below found that the first respondent is not having any source of income for her livelihood. Eventhough the revision petitioner contended that he lost his employment abroad, no document was produced before the Court to prove the same. In the pleadings, the revision petitioner had a contention that he was on leave. He admitted that he was abroad for more than two decades. He was working as a plumber in Gulf country. Respondent Nos.2 and 3 are school going children. Taking into

consideration of the entire aspects of the case the court below found that the revision petitioner is having financial capacity to maintain the respondents. Considering the facts and circumstances of the case, including the status of the parties, the needs of the respondents and the probable income of the revision petitioner, the court below awarded maintenance as stated above. The quantum of maintenance awarded by the court below does not appear to be excessive or unreasonable. No circumstance has been brought to my notice by the learned counsel for the revision petitioner to indicate that the order impugned suffers from any infirmity warranting interference by this court.

In the result, this revision petition stands dismissed.

SD/

**B.SUDHEENDRA KUMAR,
JUDGE**