

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

RPFC.No. 11 of 2013

MC 40/2009 of FAMILY COURT,THRISSUR

REVISION PETITIONER/PETITIONER/RESPONDENT:

C.AJITHKUMAR
S/O. KRISHNAN NAIR, CHAKKIATH HOUSE, PERUVALLOOR P.O.
PIN-680508.

BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENT/RESPONDENT/PETITIONER:

DURGA (MINOR), AGED 7 YEARS
REPRESENTED BY HER MOTHER & GUARDIAN T.K.LALITHAMBIKA
C/O. RUKMANIAMMA, THIYADI HOUSE, CHEROOR P.O.
PIN-680008.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.)No.11 of 2013

Dated this the 16th day of September 2015

ORDER

The revision petitioner is the respondent in M.C.No. 40 of 2009 on the files of the Family Court, Thrissur. The above proceeding was initiated under Section 127 Cr.P.C. for the maintenance of the child of the revision petitioner.

2. During the pendency of the case, the revision petitioner agreed to pay Rs.3,000/- per month as maintenance to the child. An endorsement in this regard was also made by the revision petitioner. On the basis of

the said endorsement, the court below passed the order impugned directing the revision petitioner to pay Rs.3,000/- per month, as maintenance to the child.

3. Heard the learned counsel for the revision petitioner.

4. The learned counsel for the revision petitioner has submitted that the revision petitioner agreed to pay an amount of Rs.3,000/- per month as maintenance only from the date of endorsement, namely. 20.07.2012 and in the said circumstances, the order impugned is not sustainable. I have gone through the above said endorsement. It is clearly stated in the endorsement that the revision petitioner was prepared to pay an amount of Rs.3,000/- per month to his daughter. There is nothing in the said

endorsement to the effect that the amount would be paid only from the date of endorsement. The court below passed the order impugned on the basis of the consent given by the revision petitioner. There is no allegation that the said consent was vitiated by any vitiating element. In the said circumstances, I find no reason to interfere with the order impugned.

In the result, this revision petition stands dismissed.

Sd//

**B.SUDHEENDRA KUMAR,
JUDGE.**

dl

/ True copy /

PA to Judge