

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

RPFC.No. 113 of 2013 ()

MC 72/2012 of FAMILY COURT, THALASSERY

REVISION PETITIONER/COUNTER PETITIONER:

LATHEESH T.P., AGED 36 YEARS
S/O. PARAMESWARAN, THATTARUPARAMBIL HOUSE, KANDAPPANAM
AMBAYATHODE P.O., KOTTIYOOR, KANNUR DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENT/PETITIONER:

DHANILA K.P.,
D/O. DAMODARAN, KARUVANTE PARAMBATH HOUSE, PALAKKOOL
ELANGODE P.O., PANOOR VIA, KANNUR DISTRICT - 670 692.

BY ADV. SRI.B.ASHOK SHENOY
BY ADV. SMT.C.G.PREETHA
BY ADV. SRI.K.V.GEORGE
BY ADV. SRI.P.N.RAJAGOPALAN NAIR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.113 of 2013

Dated this the 27th day of November 2015

O R D E R

The revision petitioner is the counter petitioner in M.C.No.72 of 2012 on the files of the Family Court, Thalassery. The revision petitioner was directed to pay Rs.3,000/- per month to the respondent towards her maintenance. Aggrieved by the said order, this revision petition has been filed.

2. Heard.

3. The status of the parties is not disputed. The only challenge in this revision petition is the quantum of maintenance. The respondent contended that the

respondent had no job or source of income for her livelihood. The revision petitioner is running a Jewellery shop, earning Rs.50,000/- per month. The revision petitioner, on the other hand, would contend that he is only an employee of a Jewellery, getting only a meagre income. The revision petitioner further contended that the respondent is a home nurse, earning Rs.10,000/- per month.

4. The revision petitioner was examined as CPW1 and the respondent was examined as PW1. Ext.A1 was marked for the respondent.

5. The court below found that there is no material before the court to show that PW1 is a home nurse. No document had been produced by the revision petitioner to prove the same. No person was also examined to prove

that PW1 is a home nurse. In the said circumstances, the court below correctly found that there is no material before the court to show that PW1 is a home nurse.

6. Even though CPW1 stated that he is only an employee in a Jewellery shop getting only a small income, Ext.A1 would show that the revision petitioner had admitted in another proceedings between the same parties that he was doing Jewellery work in his own Jewellery shop at Sidhapura. CPW1 used to make ornaments as per the orders received from other Jewellery owners. Considering the evidence of CPW1 and Ext.A1, the court below found that the revision petitioner was having the capacity to maintain the respondent. Taking into consideration of the status of the parties, the cost of living and the probable

income of the revision petitioner, the court below fixed the quantum of maintenance as stated above. The quantum of maintenance awarded by the court below is not exorbitant or unreasonable. No circumstance has been brought to my notice 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

dl/30.11.2015

// True Copy //

PA to Judge

R.P.(F.C.) No.113 of 2013

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