

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

RPFC.No. 137 of 2013 ()

MC 315/2010 of FAMILY COURT,THRISSUR
OP(CrI.) 610/2012 of HIGH COURT OF KERALA

REVISION PETITIONER(S)/RESPONDENT:

DILEEP P.V. AGED 42 YEARS
S/O.VELAYUDHAN, PUNNAYIL HOUSE, BLANGAD.P.O.
CHAVAKKAD, THRISSUR.

BY ADV. SRI.RAJIT

RESPONDENT(S):

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1. SMITHA K.V., AGED 32 YEARS
D/O.K.A.VASU, KUNNATHULLY HOUSE, EDAKKALATHUR.P.O.
THRISSUR.
 2. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM.

R1 BY ADV. SRI.A.JAYASANKAR
R1 BY ADV. SRI.MANU GOVIND
R1 BY ADV. SRI.JOPHY POTHEN KANDANKARY
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
30-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.137 of 2013

Dated this the 30th day of November 2015

O R D E R

The revision petitioner is the respondent in M.C. No.315 of 2010 on the files of the Family Court, Thrissur. The revision petitioner was directed to pay Rs.5,000/- 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 revision petitioner as the husband of the respondent is not disputed. The respondent would contend that she was harassed both mentally and physically

by the revision petitioner and his family members and hence, she was compelled to leave the company of the revision petitioner. The respondent is not having any job or source of income for her livelihood.

4. The revision petitioner, on the other hand, would contend that the respondent is living in adultery. She is also an insane. In the said circumstances, the revision petitioner is not liable to maintain the respondent.

5. Before the court below, PW1 was examined and Exts.A1 to A5 were marked for the respondent. RW1 was examined and Exts.B1 and B2 were marked for the revision petitioner.

6. The revision petitioner marked Ext.B1 commission report to prove the adultery, which was not accepted by the court below. The revision petitioner did not examine any

neighbour to prove the adultery or to prove that the respondent is insane. No medical certificate was also produced to prove that the respondent is insane. The court below after evaluating the relevant inputs, rightly found that the revision petitioner failed to prove that the respondent is insane and she is living in adultery.

7. Now the question to be considered is the quantum of maintenance. PW1 stated that RW1 is employed in Sudan drawing a monthly salary of Rs.2,00,000/-. RW1 denied the same in the counter affidavit. RW1 stated that he is drawing only Rs.15,000/- per month. However, no such statement was made in the counter affidavit filed by RW1. No material was also produced before the court to prove the salary of RW1. However, RW1 admitted that he is working abroad. Taking into consideration of the entire

aspects of the case, the court below disbelieved the evidence of RW1 that he is getting only a salary of Rs.15,000/- per month. Taking into consideration of the status of the parties, the cost of living and the probable income of the revision petitioner, the court below directed the revision petitioner to pay the maintenance as stated above. The 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/1.12.2015

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PA to Judge