

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

RPFC.No. 259 of 2013 ()

AGAINST THE JUDGMENT IN MC 5/2009 of FAMILY COURT, THIRUVANANTHAPURAM
DATED 31-07-2013

REVISION PETITIONER(S)/REVISION PETITIONER:

G.FRANCIS
S/O.V.GEORGE, ARUVIKKARAVILA VEEDU, ANAVOOR
NEYATTINKARA TALUK

BY ADV. SRI.G.UNNIKRISHNAN

RESPONDENT(S)/RESPONDENTS:

REJITHA KUMARI D.R.
D/O.DENNIZON, D R BHAVAN
(MELE PONVILA VEEDU) KARODE VILLAGE, IRA
NEYATTINKARA TALUK

BY ADV. SRI.R.T.PRADEEP

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
R.P. (FC) No. 259 of 2013
.....

Dated this the 27th day of October, 2015

ORDER

The revision Petitioner is the counter petitioner in MC No. 5 of 2009 on the files of the Family Court, Thiruvananthapuram who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay maintenance at the rate of Rs. 3000/- per month to the respondent herein.

2. The status of the revision petitioner as the husband of the respondent herein is not disputed. According to the respondent herein, she was deserted by the revision petitioner on 15-09-2005 onwards and thereafter, he did not maintain her. She is not having any source of income for her livelihood. The revision petitioner is working abroad and he is earning an amount of Rs. 30,000/- per month. The revision petitioner contended that he returned from Gulf. He was prepared to look after the respondent herein. However, the respondent herein was not prepared to join his company. The revision petitioner is having thyroid disease and hence he is not in a position to do any work. The respondent herein is having 20 cents of property. The

revision petitioner is having 17 ½ cents of property out of which 8 cents of property had already been sold.

3. Before the court below, PW1 and CPW1 were examined. PW1 admitted that she is having 20 cents of property. She also stated that the revision petitioner re-married. CPW1 also admitted that he re-married after divorcing the respondent. The Court below found that the respondent herein was treated with cruelty by the revision petitioner. There is absolutely no material before the court to prove that respondent herein is having any source of income. Eventhough PW1 stated that she is having 20 cents of property, she further stated that the said property yields no income. The revision petitioner contended that he returned from Gulf during 2005. However, no document has been produced to show that he returned from Gulf. Even the passport of the revision petitioner was not produced to substantiate the same. Eventhough the revision petitioner contended that he is having thyroid disease and hence, he is not able to do any work, no material is available before the Court to show that the revision petitioner is having any such ailment or that he is not able to do any work.

4. The court below, after considering the relevant inputs, including the status of the parties, the needs of the respondent and

R.P.(FC) No. 259 of 2013

the probable income of the revision petitioner, directed the revision petitioner to pay an amount of Rs. 3,000/- (Rupees three thousand only) per month to the respondent herein towards her maintenance.

5. Having gone through the relevant inputs, I do not find any reason to hold that the order impugned suffers from any infirmity warranting interference by this Court.

In the result, this Revision Petition stands dismissed. The revision petitioner is granted three months to pay the entire arrears of maintenance to the respondent.

Dated this the 27th day of October, 2015.

Sd/-B. SUDHEENDRA KUMAR,
JUDGE.

Ani/

/truecopy/

P.S. To Judge