

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

RPFC.No. 268 of 2013 ()

MC 122/2010 of FAMILY COURT,ERNAKULAM

REVISION PETITIONER:

MUMTHAZ.M.M AGED 35 YEARS
D/O.SHAHUL HAMEED, SHEENAS MANZIL, APPOLO ROAD
THAMMANAM, KOCHI-682 032.

BY ADV. SRI.M.A.ABDUL HAKHIM

RESPONDENTS:

1. SHAMSUDHIN.H., AGED 45 YEARS
S/O.HANEEFA, VADAKKEDATH PALLIYALIL HOUSE
HEAD CONSTABLE, PC NO.7328, QUARTERS NO.4
PALLURUTHY.(ASSISTANT SUB INSPECTOR NO.6149
TOWN NORTH POLICE STATION, PALAKKAD-678 001).
2. STATE OF KERALA
REPRESENTED BY THE PUBIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SMT.M.K.PUSHPALATHA
R1 BY ADV. SRI.MANOJ B.MENON
R2 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.268 of 2013

Dated this the 2nd day of December 2015

O R D E R

The revision petitioner is the petitioner in M.C. No.122 of 2010 on the files of the Family Court, Ernakulam. The first respondent was directed to pay Rs.3,500/- per month to the revision petitioner by the court below as maintenance. Being not satisfied with the quantum of maintenance, this revision petition has been filed.

2. Heard both sides.

3. The status of the parties is not disputed. The only challenge in this revision petition is with regard to the

quantum of maintenance awarded by the court below.

PW1 stated that the first respondent is working as a Head Constable in Police Department, drawing a monthly salary of Rs.15,000/-. He is also getting Rs.10,000/- from other sources. Eventhough the revision petitioner contended that the first respondent is getting an income of Rs.10,000/- from other sources, there is no material before the court to prove the same. In the said circumstances, the court below had accepted the evidence of PW1 that the first respondent is getting an amount of Rs.15,000/- per month from his job as a Government employee. It is not disputed that in the wedlock between the first respondent and the revision petitioner, a daughter was also born and the said daughter is a school going student. She is being looked after by the first respondent herein. The court below also accepted

R.P.(F.C.) No.268 of 2013

: 3 :

that PW1 is not having any job or other source of income for her livelihood. Taking into consideration of the entire facts and circumstances of the case, including the needs of the revision petitioner, the status of the parties and the probable income of the first respondent, the court below fixed the quantum of maintenance at Rs.3,500/- per month. No circumstance has been brought to my notice to indicate that the quantum of maintenance ordered by the court below is unreasonable. Having gone through the order impugned, I do not find any infirmity in the order impugned, warranting interference by this Court.

In the result, this revision petition stands dismissed.

Sd/
B.SUDHEENDRA KUMAR,
JUDGE

dl/5.12.2015

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PA to Judge