

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

RPFC.No. 9 of 2015

MC 34/2014 of FAMILY COURT, MUVATTUPUZHA

REVISION PETITIONER/PETITIONER IN MC :

AMMINI, AGED 62 YEARS
W/O. GOVINDAN, VALIYAVEETIL HOUSE, IRAMALLOOR KARA
IRAMALLOOR P.O., IRAMALLOOR VILLAGE
KOTHAMANGALAM TALUK.

BY ADVS.SRI.S.RENJITH
SRI.S.UNNIKRISHNAN (NELLAD)

RESPONDENT/RESPONDENT IN MC :

GOVINDAN, AGED 66 YEARS
S/O. AYYAPPAN, PALAKKUZHY HOUSE, CHAKKUMCHIRA BHAGAM
IRAMALLOOR P.O., IRAMALLOOR VILLAGE
KOTHAMANGALAM TALUK-686 691.

BY ADV. SRI.ABU MATHEW
BY ADV. SRI.AJU MATHEW
BY ADV. SRI.ROY THOMAS (MUVATTUPUZHA)

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.)No.9 of 2015

Dated this the 14th day of September 2015

ORDER

The revision petitioner is the petitioner in M.C. No.34 of 2014 on the files of the Family Court, Muvattupuzha.

2. The revision petitioner was earlier granted maintenance of an amount of Rs.175/- per month under Section 125(3) Cr.P.C. as per order in M.C.No.1166 of 2000. Thereafter, the petitioner filed petition before the Family Court, for enhancement of maintenance amount. The court below, after considering the relevant inputs, directed the respondent to give a maintenance of Rs.225/-

per month to the revision petitioner from the date of the order. Aggrieved by the said order, the petitioner before the court below has filed this revision petition .

3. Heard both sides.

4. Before the court below PW1 was examined and Ext.A1 was marked for the revision petitioner and RW1 was examined and Ext.B1 was marked for the respondent.

5. It is not disputed that the revision petitioner was earlier granted maintenance by the court below at the rate of Rs.175/- per month. The petitioner would contend that the respondent is a carpenter earning Rs.800/- per day and that the revision petitioner is not having any income for her maintenance. In the said circumstances, she sought for enhancement of maintenance to Rs.2,000/- per month. The

respondent filed counter stating that he is suffering from rheumatic complaints, allergy etc. He is aged 68 years and he is unable to do any work. He is not able to make any earning. The petitioner herein is working as a domestic servant earning a monthly income of Rs.5,000/-. She is having 7.5 cents of property and a house of her own. Her son is aged 29 years, who is having an income of Rs.25,000/- per month. The petitioner is residing with her son. PW1 admitted that she is having 7.5 cents of property and a house of her own. However, she denied that she is earning Rs.5,000/- per month from the job as a domestic servant. The court below observed that the respondent was visibly infirm and senile. He is also suffering from rheumatism. The respondent specifically contended that

the petitioner is residing with her son. The petitioner denied the same. However, it is not discernible as to why the petitioner has not so far moved against her son for getting maintenance. It is true that the respondent being the husband, the petitioner is having every right to seek for maintenance from the respondent. However, the respondent was aged 68 years at the time of his examination before the court below. Considering the facts and circumstances of the case, the court below awarded an enhanced maintenance of Rs.225/- per month. Considering the facts and circumstances of the case, I am of the view that the court below correctly appreciated the evidence and came to the conclusion that the petitioner is entitled to a maintenance of Rs.225/- per month from the

respondent. Having gone through the relevant inputs, including the age of the respondent, I am satisfied that it will be unjust to enhance the maintenance amount awarded by the court below. 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