

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

RPFC.No. 69 of 2015 ()

AGAINST THE ORDER IN MC 159/2014 of FAMILY COURT, IRINJALAKUDA

REVISION PETITIONER(S)/RESPONDENT:

ROBINS, AGED 50 YEARS
S/O.OUSEPH, AMMUTHAAN HOUSE, MUTTITHADI.P.O
AYYANKODE, MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO

RESPONDENT(S)/PETITIONER:

ROSA, AGED 76 YEARS
W/O.OUSEPH, AMMUTHAAN HOUSE, KALOOR.P.O
POONISSERY, MAVINCHUVADU, MUKUNDAPURAM TALUK-680001.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.P.(FC).69/15

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: A TRUE COPY OF THE ORDER PASSED IN M.C.159/2014 BEFORE THE
FAMILY COURT IRINJALAKUDA DATED 8.12.2014.

ANNEXURE II: A TRUE COPY OF THE ORDER PASSED IN M.C.159/2014 BEFORE
THE FAMILY COURT IRINJALAKUDA DATED 15.1.2015.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A.TO JUDGE

C.T. RAVIKUMAR, J.

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R.P.(FC). No.69 OF 2015

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Dated this the 20th day of February, 2015

ORDER

This revision petition is directed against the interim order passed by the Family Court, Irinjalakkuda in M.C.No.159 of 2014 ordering for payment of an amount of ₹1500 as interim maintenance. The revision petitioner herein is the son of the respondent. The respondent who is now aged 76 years, filed M.C.No.159 of 2014 claiming maintenance from the petitioner under section 125 Cr.P.C. The Family Court passed Annexure-I order on 8.12.2014. Thereafter, Annexure-II order was passed by the Family Court on 15.1.2015 directing the revision petitioner to pay an amount of ₹2000 as interim maintenance from January, 2015 to the respondent till the disposal of the maintenance case. It is challenging Annexure-II order that this revision petition has been filed. The contention of the

revision petitioner is that the Family Court was not justified in enhancing the amount of interim maintenance without any application from the respondent herein. Essentially, the contention is that in the light of Annexure-I order there is no occasion for the Family Court to take up the matter any further and modified the order regarding the interim maintenance.

2. I have heard the learned counsel for the revision petitioner. Evidently, the order under challenge is passed by the Family Court directing the revision petitioner to pay interim maintenance. The learned counsel for the revision petitioner submitted that even though it is interim in nature, the revision petitioner is aggrieved by the irregularity in the procedure. There cannot be any doubt with respect to the position that every irregularity in a proceedings will not invite invocation of revisional jurisdiction especially in a case where substantial justice is done by passing an interim order to pay interim maintenance to a lady having 76 years old and the amount so fixed is

only meager. Merely because of the fact that the amount of ₹1500 was enhanced to ₹2000 that by itself cannot be a reason for this Court to exercise revisional jurisdiction. I am of the view that interference with the order would result in miscarriage of justice taking into account the fact that the mother of the revision petitioner is now aged 76 years. A close scrutiny of Annexure-I order would suggest that the Family Court had sent the matter for mediation. However, it was reported not settled. It was in the said circumstances that the Family Court passed an order on 8.12.2014. Thereafter, the parties were heard and the objection filed by the revision petitioner was also taken into consideration. It is thereafter the Family Court fixed ₹2000 as interim maintenance from January, 2015 till the disposal of the maintenance case. Merely because of the fact that the Family Court passed Annexure-I order and an amount of ₹1500 was fixed as maintenance and taking note of the fact that an amount of ₹2000 was fixed thereafter after hearing the revision petitioner and perusing the petition, I do not think that revisional jurisdiction should

be exercised to interfere with the impugned orders. Taking note of the aforesaid circumstances, I am of the view that it will only be appropriate for the Family Court to dispose of the M.C expeditiously taking into account the fact that the petitioner therein/respondent herein is aged 76 years.

Subject to the above, this revision petition is dismissed.

Sd/-

**C.T. RAVIKUMAR
(JUDGE)**

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

