

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

RPFC.No. 123 of 2015 ()

CMP NO.23/2014 IN MC 69/2010 of FAMILY COURT, CHAVARA
DATED 16-03-2015

REVISION PETITIONER(S)/RESPONDENT/RESPONDENT:

PREMANANDAN, AGED 40 YEARS,
S/O.RAMACHANDRAN NAIR, EWARAVILASAM,
VADAKKEVILA P.O., KOLLAM-690 001.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENT(S)/PETITIONER/PETITIONER:

BEENADEVI, AGED 33 YEARS,
W/O.PREMANANDAN, SARADAMANDIRAM, MADATHARA
MOTTACKALMURI, THEVALAKKARA P.O., KOLLAM-690524.

BY ADV. DR.K.P.PRADEEP

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 05-06-2015, ALONG WITH RPFC 186/2015. THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

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K.HARILAL, J.

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R.P.(F.C) Nos.123 & 186 of 2015

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Dated this the 5th day of June, 2015

ORDER

These revision petitions are filed challenging the order passed under Section 127 of the Code of Criminal Procedure, seeking enhancement of maintenance allowance, passed in C.M.P.No.23/2014 in M.C.No.69/2010 on the files of the Family Court, Chavara. R.P.F.C. No. 123/2015 was filed by the respondent in R.P.(FC) No. 186/2015, challenging the quantum of enhancement determined by the court below and R.P.(FC) No.186 of 2015 was filed by the wife, challenging the inadequacy of the quantum of maintenance allowance determined by the court below. Admittedly, they are husband and wife. The parties are referred to as in the petition.

2. In the earlier M.C. No. 69 of 2010, the respondent was directed to pay maintenance allowance at the rate of ₹

3,000/- per mensem to the petitioner as per the order dated 17/10/2011. According to the petitioner, the maintenance allowance granted by the court is too insufficient for her food, clothing, medicine and other day-to-day expenses due to steep hike in the cost of living during the past three years. According to the petitioner, the respondent is a Government Servant, getting ₹30,000/- per month as salary. Hence, she claimed ₹ 8,000/- per month as enhanced maintenance allowance.

3. The respondent challenged the quantum of enhancement claimed by the petitioner contending that the said claim is excessive and disproportionate with his petition. It is also contended that the petitioner is getting an income of ₹8,000/- per month by working as a worker in the office of the document writer run by her brother and she is getting ₹7,000/- per month by way of rent letting out the house situated in the property that belongs to her. That apart, she is getting ₹4,000/- per month by way of income

from the yield obtained from the coconut trees, pepper vines etc. According to him, he is getting salary of ₹ 19,040/- and out of that amount, a considerable amount is required for the maintenance of his mother and ₹10,000/- is required to pay loan liability, which was availed for the renovation of the building.

4. After considering the rival pleas, the court below enhanced the maintenance allowance at the rate of ₹ 6,000/- per month. The correctness of the quantum of enhancement is under challenge in these revision petitions.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent. Both counsel advanced arguments at the Bar in support of the respective contentions raised before the trial court.

6. The short question that arises for consideration is, can the court below be justified in fixing the quantum of enhancement? Put it differently, the question is, whether the quantum of enhancement determined by the court

below is proportionate with the enhanced income of the respondent?

7. Going by the impugned order, it is seen that Ext.D1 salary certificate dated 28/04/2014 proves that the petitioner is getting monthly salary of ₹24,991/- in the month of June 2014. Needless to say, Ext.D1 shows the current income of the petitioner. Though the respondent had contended that the petitioner is working in the office of a document writer, no evidence has been adduced to prove the same. Steep hike in the living cost caused by inflation is a universal phenomena, which does not require any special proof. Needless to say, there is a corresponding increase in the income of every earning person especially the salaried employees. In the instant case, it stands proved that the respondent is getting ₹ 24,000/- per month.

8. Having regard to the quantum of monthly income of the petitioner, I find that the direction to pay ₹6,000/- per month to the petitioner is proportionate with his income and

no interference is called for invoking revisional jurisdiction.

9. Coming to R.P.F.C No. 186 of 2015 filed by the petitioner, seeking enhancement of maintenance allowance, I find that since the quantum of enhancement determined by the court below is proportionate with the monthly income of the respondent, no interference is called for in this jurisdiction.

Hence, these R.P.F.Cs are dismissed.

Sd/-
K.HARILAL, JUDGE.

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P.A to Judge