

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

RPFC.No. 128 of 2015 ()

ORDER IN MC 71/2014 OF FAMILY COURT, NEDUMANGAD

REVISION PETITIONER/COUNTER PETITIONER:

VINOD KUMAR S.,
AGED 31 YEARS, S/O.B.K.SURENDRAN NAIR
VINEETHA VILASOM, CHARUMOODU, PUTHUKULANGARA PO
NEDUMANGAD, THIRUVANANTHAPURAM
REPRESENTED BY THE POWER OF ATTORNEY HOLDER ANILKUMAR,
AGED 42 YEARS, S/O.MADHAVAN NAIR, AYANIVILAKAM
KAITHAKADU IRINCHAYAM, NEDUMANGAD, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENTS/PETITIONERS & STATE::

1. ATHIRA B.
AGED 23 YEARS, D/O.BABY, ABHILASH BHAVAN
THOZHUKUMMEL, PANAVOOR P.O., NEDUMANGAD
THIRUVANANTHAPURAM.
2. ADHITHYA
AGED 2 MONTHS, D/O.ATHIRA.B., ..DO..DO...
THIRUVANANTHAPURAM.
3. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1,R2 BY ADV. SRI.B.S.SIVAJI
R1,R2 BY ADV. SRI.V.R.SWAMINATHAN
R BY PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.F.C. No. 128 of 2015

Dated this the 16th day of November, 2015

ORDER

The revision petitioner is the respondent in M.C.No.71 of 2014 on the files of the Family Court, Nedumangad. The revision petitioner was directed to pay ₹8,000/- to the first respondent and ₹1,500/- to the second respondent towards their monthly maintenance.

2. Heard the learned counsel for the revision petitioner.

3. The status of the first respondent as the wife and the second respondent herein as the minor daughter of the revision petitioner is not disputed.

4. The learned counsel for the revision petitioner has submitted that the revision petitioner challenges only the quantum of maintenance ordered by the court below.

5. The first respondent would contend that the revision petitioner neglected to maintain the respondents from

9.8.2013 onwards. The first respondent is not having any job or income. The revision petitioner is employed in Gulf countries, getting a monthly income of ₹1,00,000/-.

6. The revision petitioner filed objection without mentioning the actual amount of income he is getting from his employment.

7. Before the court below, PW1 was examined for the respondents herein and CPW1 was examined for the revision petitioner.

8. PW1 reiterated the contentions in the petition. CPW1 is the power of attorney holder of the revision petitioner, who stated that the revision petitioner is getting only an income of ₹14,000/- per month from his employment. However, no document was produced by the revision petitioner before the court below to prove the income of the revision petitioner. PW1 stated that she is not having any job or other source of income for the livelihood of the respondents.

9. The court below, after considering the cost of living,

the status of the parties, the needs of the respondents and the probable income of the revision petitioner, directed the revision petitioner to pay the maintenance as stated above.

Having regard to the facts and circumstances of the case, I do not find any reason to hold that the quantum of maintenance awarded by the court below is exorbitant or unreasonable. No circumstance has been brought to my notice to indicate that the finding by the court below suffers from any infirmity, warranting interference by this Court.

In the result, this RP(FC) stands dismissed.

However, the revision petitioner is granted one month to pay the entire arrears of amount as requested by the learned counsel for the revision petitioner. The first respondent shall be at liberty to withdraw the amount, if any, deposited by the revision petitioner before the court below.

**B. SUDHEENDRA KUMAR
JUDGE**