

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.HARILAL**

**THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937**

**RPFC.No. 152 of 2015 ()**  
-----

**AGAINST THE ORDER IN MC 119/2013 of FAMILY COURT, KANNUR**

**REVISION PETITIONER(S)/RESPONDENT:**  
-----

**SUMITH JOHNSON.P AGED 34 YEARS  
S/O.JOHNSON VALSAKUMAR RESIDING AT SHAMIL QUARTERS  
KASANAKOTTA, P.O.THANA, KANNUR VILLAGE, KANNUR TALUK  
KANNUR DISTRICT - 670 012.**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR  
SMT.K.K.CHANDRALEKHA**

**RESPONDENT(S)/PETITIONERS:**  
-----

- 1. SHERIN MAHEW  
D/O.BABY MATHEW, RESIDING AT MES QUARTERS  
P.O.HQ HOSPITAL, KANNUR - 1, VILLAGE  
KANNUR TALUK, KANNUR DISTRICT - 670 017.**
- 2. BABY SHERIN,  
D/O.SUMITH JOHNSON  
REPRESENTED BY MOTHERSHERIN MATHEW  
RESIDING AT MES QUARTERS, P.O.HQ HOSPITAL,  
KANNUR - 1 VILLAGE, KANNUR TALUK, KANNUR DISTRICT - 670 017.**

**THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**K.HARILAL, J.**

=====

**R.P.(F.C) No.152 of 2015**

=====

Dated this the 21<sup>st</sup> day of May, 2015

**ORDER**

The revision petitioner is the sole respondent in M.C.No.119/2013 on the files of the Family Court, Kannur. The said proceedings was initiated by the respondents herein claiming maintenance allowance @ ₹5,000/- each. The Family Court, Kannur passed the impugned judgment directing the petitioner to pay maintenance allowance @ ₹ 2,000/- to the 2<sup>nd</sup> respondent and rejected the claim of the 1<sup>st</sup> respondent. The legality of the entitlement of maintenance allowance and the correctness of quantum of amount determined by the court below are under challenge in this revision petition.

2. The learned counsel for the revision petitioner advanced arguments challenging the findings whereby the court below directed the petitioner to pay maintenance

allowance to the 2<sup>nd</sup> respondent. It is also contended that the quantum of amount determined by the court below is excessive and disproportionate with the income of the petitioner.

3. The short question that arises for consideration is, whether there is any illegality or impropriety in the findings whereby the court below directed the revision petitioner to pay maintenance allowance to the 2<sup>nd</sup> respondent at the rate referred above?

4. The paternity of the 2<sup>nd</sup> respondent is not disputed. So long as the paternity is undisputed, needless to say, the petitioner as the father is liable to pay maintenance allowance to his own child.

5. Coming to the quantum of maintenance allowance, it is seen that the child is aged 4 months and 15 days. As rightly held by the court below, means include food, clothing, medicine, treatment and other incidental expenses. Needless to say, when the child is aged 4 months

only, the day to day expenses will be substantial as infant requires more care and protection.

6. Coming to the income of the petitioner, the court below found that though he has produced Ext.A6 which shows ₹6,000/- per month, his actual income is more than ₹6,000/-. I am of the opinion that even if his claim of ₹6,000/- is accepted at its face value, the 1/3<sup>rd</sup> of the said amount can be given to his child for maintenance. However, I am of the further opinion that an able bodied man is liable to meet the requirements of his child.

7. In the above view of the matter, I find that the quantum of amount determined by the court below is reasonable, just and proper, warranting no interference under revisional jurisdiction.

In the result, the revision petition is dismissed.

**K.HARILAL,  
JUDGE.**

stu

//True copy//

P.Ato Judge