

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

**PRESENT:**

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

**THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937**

**RPFC.No. 162 of 2015 ()**  
-----

**AGAINST THE ORDER IN MC 297/2013 of FAMILY COURT, TIRUR DATED 09-02-2015**  
-----

**REVISION PETITIONER/RESPONDENT :**  
-----

**ANWAR SADATH,  
S/O.M.N.KUNHIMUHAMMED HAJI,  
METHUVIL NALAKATH VEEDU, MAPPOOTTIL ROAD,  
PARAPPANAGADI (PO), PIN TIRURANGADI TALUK,  
MALAPPURAM DISTRICT, REPRESENTED BY THE FATHER  
THE POWER OF ATTORNEY HOLDER M.N.KUNHIMUHAMMED HAJI,  
S/O.M.N.ABOOBACKER HAJI, METHUVIL NALAKATH VEEDU  
MAPPOOTTIL ROAD, PARAPPANAGADI (PO),  
PIN TIRURANGADI TALUK, MALAPPURAM DISTRICT.**

**BY ADV. SRI.JAMSHEED HAFIZ**

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

- 1. VAHEEDA, D/O.USMAN HAJI,  
MANDOTTIL VEEDU, VALIYORA (PO), PIN-676 304.,  
VENGARA, TIRUR TALUK, MALAPPURAM.**
- 2. NASHA NOURIN (MINOR AGED 8 YEARS)  
D/O.VAHEEDA**
- 3. FATHIMA RIFA (MINOR, AGED 6 YEARS,)  
D/O.ANWAR SADATH.**

**BOTH THE RESPONDENTS MINORS 2 AND 3 ARE  
REPRESENTED BY THE MOTHER 1ST RESPONDENT**

**THIS REV.PETITION (FAMILY COURT) HAVING COME UP FOR  
ADMISSION ON 28-05-2015, THE COURT ON THE SAME DAY PASSED  
THE FOLLOWING:**

**AMV**

K.HARILAL, J.

.....  
R.P.F.C.No. 162 of 2015

.....  
Dated this the 28<sup>th</sup> day of May, 2015

ORDER

The petitioner is the respondent in M.C.No.297 of 2013 on the files of the Family Court, Tirur. The above MC was filed by the respondents herein, who are the wife and children of the petitioner under Section 127 of the Code of Criminal Procedure seeking enhanced maintenance allowance.

2.In M.C.No.831 of 2009, the petitioner was directed to pay maintenance allowance @ Rs.3,000/- to the 1<sup>st</sup> respondent and Rs.1,000/- to 2<sup>nd</sup> respondent and Rs.500/- to 3<sup>rd</sup> respondent as monthly maintenance allowance. According to the respondents the aforesaid amount is insufficient to meet their requirements as living cost has been increased substantially after 2009. They claimed enhanced maintenance allowance @ Rs.5,000/- each to the respondent Nos.1 and 2 and Rs.3,000/- to the 3<sup>rd</sup> respondent.

3.The petitioner opposed the claim for enhancement contending that he has no income of Rs.2,00,000/- as alleged by the respondents. According to him he is a sales boy in a shop in gulf country.

4.After considering the rival pleas the court below enhanced the maintenance allowance @ Rs.4,000/- to 1<sup>st</sup> respondent and Rs.2,000/- each to the respondent Nos.2 and 3. The correctness of the enhanced quantum of maintenance allowance determined by the court below is under challenge in this revision petition.

5.Going by the impugned order, it is seen that in the earlier M.C., the petitioner was directed to pay maintenance allowance @ of Rs.3,000/- to the first respondent, Rs.1,000/- to the second respondent and Rs.500/- to the third respondent. Admittedly, the first respondent has no job or any sources of income. The revision petitioner has no case that after the passing of the earlier order the first respondent has got any

employment or any source of income. Similarly, it is not disputed that the respondents 2 and 3 are school going children. Needless to say, a substantial amount is required to meet their educational expenses. Steep hike in the living cost consequent on inflation is a universal phenomenon which does not require any evidence. There is a corresponding increase in the income of every earning person in accordance with the rate of inflation. In the above view of the matter, the respondents are entitled to get enhanced maintenance allowances.

6.Considering the living status and requirements of the respondents, I find that the quantum of enhanced maintenance allowance fixed by the court below is reasonable, just and proper and no interference is called for in this revision.

7.The learned counsel for the revision petitioner submits that, he is unable to pay the entire arrear in lump sum

and he further submits that he is ready to pay the arrear in instalments. Having regard to the facts and circumstances of the case, the petitioner is given four months time to pay the arrear in instalments, provided that half of the entire arrear shall be paid within two months and the remaining balance shall be paid within the next two months. In the event of failure to pay the first instalment, this instalment facility will stand automatically vacated and the first respondent is at liberty to realise the entire arrear in lump sum, in accordance with law.

This R.P(FC) is disposed of as above.

AMV/04/06/

Sd/-  
K.HARILAL,  
JUDGE.

/TRUE COPY/

P.A.TO JUDGE