

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

RPFC.No. 181 of 2015 ()

AGAINST THE ORDER IN MC 82/2000 of FAMILY COURT, KOTTAYAM AT
ETTUMANOOR DATED 11-03-2003

REVISION PETITIONER/PETITIONER:

T.T.USHAKUMARI, NADUPARAMBIL HOUSE,
KEEZHUKUNNU P.O., KOTTAYAM.

BY ADVS.SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENT/CR.PETITIONER:

V.R.BINU, VALAKATHIL HOUSE,
THIRUVATHUCKAL, KOTTAYAM.

BY ADV. SMT.K.V.BHADRA KUMARI
BY ADV. SMT.SHIBI. K.P.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 11-06-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

OKB

K.HARILAL, J.

R.P(FC). No.181 of 2015

Dated this the 11th day of June, 2015.

O R D E R

Revision petitioner is the petitioner in M.C. No.82/2000 on the files of the Family Court, Kottayam at Ettumanoor. The above M.C. was filed under Section 125 of the Code of Criminal Procedure, claiming maintenance allowance. According to the revision petitioner, the respondent has neglected her and refused to pay maintenance to her. She has no job or income and she is unable to maintain herself; whereas, the respondent is getting Rs.6,000/- per month. Hence she claimed Rs.500/- per month.

2. Respondent admitted the marital status of the revision petitioner, but resisted the claim for maintenance. He contended that the revision petitioner is residing separately without any reason. After considering the evidence on record, the court

below rejected the claim of the revision petitioner for maintenance on a finding that she is residing separately without sufficient reason. The legality of the findings whereby the court below rejected the claim of the revision petitioner is under challenge in this revision petition.

3. Learned counsel for the revision petitioner submits that he has no instruction from the revision petitioner and the learned counsel for the respondent submits that according to her knowledge the matter might have been settled earlier. In view of the said submissions, I am inclined to suo moto examine the legality and correctness of the findings of the court below.

4. Going by the impugned order it is seen that the consistent case of the respondent was that the revision petitioner always intended to lead an adulterous life and for that she used to pick up quarrels with him. He tried to meet her demands at first even in his financial difficulties. But she

voluntarily left his company stating that there are no modern facilities in his house and she is not willing to reside in that house with the present amenities. Going by the impugned order, it is seen that the learned Judge has elaborately considered the sequence of events from the very beginning of the marital life. The evidence shows that at several times the respondent attempted to reconcile their matrimonial discordancy so as to lead a harmonious life. After analysing the evidence adduced by the revision petitioner, the court below found that there is no basis for her allegations. She failed to prove all the allegations levelled against the respondent. Though she contended that the respondent has 18.5 acres of land at Kumarakam, no evidence has been adduced to substantiate the said contention. The evidence adduced by her shows that she was not willing to live in his house. More over, though the respondent was examined in chief, he was not cross examined by the revision petitioner. So the court below was inclined to rely on the uncontroverted

testimony of C.P.W.l. I do not find any illegality or impropriety in the findings of the court below in rejecting the claim of the revision petitioner. Consequently, this R.P(FC) is dismissed.

Sd/-
K. HARILAL, JUDGE

okb.