

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

RP(FC)No. 182 of 2015

**AGAINST THE ORDER IN MC 305/2000 of FAMILY COURT, MANJERI
DATED 20-08-2001**

REVISION PETITIONER/RESPONDENT :-

**KUNHUMOIDEEN, S/O.ARAKKAL MOIDU,
ALAMKODE, PERUMUKKU,
PONNANI TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT/PETITIONER :-

**FATHIMA, D/O.KILAYIL AVUTHAL,
PALLIKKARA, NANNAMUKKU,
PONNANI TALUK, MALAPPURAM DISTRICT.**

R BY ADV. SRI.T.S.RAJAN

**THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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K. HARILAL, J.

R.P.(F.C.)No.182 of 2015

Dated this the 10th day of June, 2015

ORDER

The petitioner is the respondent in M.C.No.305/2000 on the files of the Family Court, Manjeri. The above M.C. was filed by the respondent herein, who is the wife of the petitioner, claiming maintenance allowance under Section 125 of the Code of Criminal Procedure. By the impugned order, the petitioner is directed to pay maintenance allowance at the rate of ₹400/- to the respondent. The legality of the entitlement of maintenance allowance and the correctness of the quantum of amount are under challenge in this revision petition.

2. The learned counsel for the petitioner submits that the impugned order was an ex-party order and the petitioner has not been given an opportunity to adduce the evidence.

3. Going by the impugned order, it is seen that the impugned order was passed on 20th August, 2001 and this revision petition was filed on 10th November, 2003

only. There was an inordinate delay in filing the revision petition. The impugned order shows that the order was passed on the basis of the evidence adduced by the respondent herein. The court below has directed the petitioner to pay maintenance allowance at the rate of ₹400/- only. Even if that amount is not excessive or disproportionate with his income, fourteen years have been elapsed after passing of the said order. Increase in living cost caused by inflation is a universal phenomena which does not require any evidence. Considering the long passage of time, I find that the quantum of maintenance allowance determined by the court below is a meager amount only. Therefore, no interference is called for at present. Admittedly, the petitioner is a driver by profession. If that be so, he can easily pay ₹400/- for the maintenance of his wife.

Accordingly, this Revision Petition is dismissed.

Sd/-

**K.HARILAL
JUDGE**

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P.A. TO JUDGE