

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

RPFC.No. 229 of 2015 ()

MC 48/2012 of FAMILY COURT,THRISSUR

REVISION PETITIONER:

SUKUMARAN, AGED 42 YEARS
S/O. RAMAN, KUNNATHU VEEDU, CHELAKODE PO
PAZHZYANNUR, THRISSUR, PIN-680 587

BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN

RESPONDENTS/PETITIONERS:

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1. PRASANTHI, AGED 31 YEARS
D/O. RAMAKRISHNAN, KONDAZHI PO
THADATHIL HOUSE, VETTIKKUNNU,
THALAPPILLY TALUK, PIN-679 106
 2. ANANYA, AGED 4 YEARS
D/O. SUKUMARAN
(MINOR RESPONDENT REPRESENTED BY MOTHER
THE 1ST RESPONDENT PRASANTHI)

R1 & R2 BY ADV. SRI.G.SREEKUMAR (CHELUR)

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.229 of 2015

Dated this the 4th day of November 2015

O R D E R

The revision petitioner is the respondent in M.C. No.48 of 2012 on the files of the Family Court, Thrissur. The revision petitioner was directed to pay a maintenance of Rs.2,500/- per month to the first respondent and Rs.1,500/- to the second respondent by the court below. Aggrieved by the said order, this revision petition has been filed.

2. Heard both sides.

3. The status of the first respondent as the wife and the second respondent as the minor daughter of the revision

petitioner is not disputed.

4. The first respondent would contend that she was treated with cruelty by the revision petitioner and hence, she was forced to leave the company of the revision petitioner. According to her, the revision petitioner did not maintain her from 25.1.2010 onwards. She delivered the second respondent on 16.2.2010. However, the revision petitioner did not maintain the 2nd respondent also. The revision petitioner would contend that the first respondent had left the company of the revision petitioner without any sufficient cause and hence, she is not entitled to get maintenance.

5. Before the court below, PW1 was examined for the respondents. RW1 was examined and Exts.B1 to B4 were

marked for the revision petitioner.

6. The evidence of PW1 is that she was treated with cruelty by the revision petitioner. It is true that RW1 stated that the first respondent left the company of the revision petitioner without any sufficient cause. According to the revision petitioner, the first respondent is a highly educated lady and the revision petitioner is an illiterate person and in the said circumstances, the first respondent wanted to have another alliance and it was only for that purpose that she had left the company of the revision petitioner. The court below observed that the first respondent left the company of the revision petitioner before the birth of the 2nd respondent. If the first respondent had any intention to marry again, she would have naturally attempted to do so.

However, the revision petitioner did not have a contention that she had made any attempt for re-marriage. The court below, after considering the entire evidence, found that the contention of the revision petitioner, that the first respondent had left the company of the revision petitioner as she wanted to have another alliance, was not believable. The court below, after considering the entire evidence, found that the first respondent left the company of the revision petitioner due to the cruelty by the revision petitioner.

7. The first respondent would contend that she is not having any job or income for her livelihood. According to PW1, the revision petitioner is a painter, tailor and rubber tapper, earning a total income of Rs.70,000/- per month.

The revision petitioner would admit that he is a tailor. However, there is no material before the court to prove the actual income of the revision petitioner. There is also no material before the court to show that the first respondent is having any job or income for her livelihood. The second respondent is admittedly the daughter of the revision petitioner. The revision petitioner produced Ext.B4 to show that he is having heart ailment. However, Ext.B4 would not show anything to the effect that he is incapable of doing any work. The court below, after taking into consideration of the entire evidence, found that the revision petitioner is capable of doing work and earning income. The court below further found that the revision petitioner is bound to maintain the respondents. Taking into

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consideration of the needs of the respondents, the status of the parties and the probable income of the revision petitioner, the court below fixed the quantum of maintenance as mentioned above. No circumstance has been brought to my notice by the learned counsel for the revision petitioner to hold that the order impugned suffers from any infirmity, warranting interference by this court.

In the result, this revision petition stands dismissed.

Sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/4.11.2015

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PA to Judge