

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

RPFC.No. 230 of 2015 ()

AGAINST THE ORDER IN MC 311/2013 OF FAMILY COURT, CHAVARA
DATED 29-10-2014

REVISION PETITIONER/RESPONDENT:

K.V.GOPI, AGED 63 YEARS
S/O.VELAYUDHAN, ANJANAM VEEDU
CHERUSSERIBHAGAM MURI, CHAVARA VILLAGE
KARUNAGAPPALLY TALUK.

BY ADVS.SRI.R.MANOJ
SMT.SINDHU MANOJ
SMT.P.P.BLESSY MOL

RESPONDENT/PETITIONER:

VALSAMMA, AGED 54 YEARS, D/O. PARUKKUTTY AMMA,
ANJANAM VEEDU, CHERUSSERIBHAGAM MURI
CHAVARA VILLAGE KARUNAGAPPALLY TALUK.

R1 BY ADV. SMT.PREMLATHA K.NAIR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B. SUDHEENDRA KUMAR, J.

R.P. (F.C.) No. 230 of 2015

Dated this the 1st day of October, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.311 of 2013 on the files of the Family Court, Chavara, who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay an amount of ₹4,000/- towards the monthly maintenance of the respondent herein, who is the wife of the revision petitioner.

2. Heard both sides.

3. The status of the respondent as the wife of the revision petitioner is not disputed.

4. The respondent herein contended that the revision petitioner did not maintain the respondent from 10.9.2011 onwards. An original petition was earlier filed and it was settled in Lok Adalath. The respondent would contend that the respondent is not having any source of income for her livelihood. The revision petitioner is a retired mechanical

engineer, earning ₹75,000/- per month.

5. The revision petitioner would contend that the revision petitioner is a retired engineer drawing only an amount of ₹13,300/- per month as pension. The revision petitioner has to look after the affairs of one of her daughters, who is not married. The revision petitioner is having cardiac problem, for which, treatment is required. For that purpose also, he has to spend money. The respondent herein is an LIC agent getting handsome amount in every month for her livelihood. That apart, the revision petitioner deposited an amount of ₹2,00,000/-, in the name of the respondent, which would become ₹4,00,000/- on maturity on 6.12.2016. The said amount is also sufficient to maintain the respondent herein.

6. PW1 was examined and Ext.A1 was marked for the respondent herein. RW1 was examined and Exts.D1 to D5 were marked for the revision petitioner. The court below after evaluating the oral and documentary evidence, found that the

respondent herein is not having any source of income for her livelihood and that the parties had been living separately for the last two years due to the ill-treatment by the revision petitioner.

7. The court below found that the revision petitioner is an able-bodied person. He is also getting a pension of ₹13,300/- per month. The court below found that, even though the revision petitioner and the respondent are residing under the same roof, the revision petitioner neglected to maintain her. Earlier, an amount of ₹3,000/- per month was awarded by the court below towards her maintenance. However, subsequently, the matter was settled in the Lok Adalath on 5.8.2011. However, within a short span of two years, the respondent herein was again constrained to approach the court below with an application seeking for maintenance.

8. Considering the facts and circumstances of the case, including the status of the parties, the needs of the respondent

and the income of the revision petitioner, the court below fixed the quantum of maintenance at ₹4,000/- per month. The order passed by the court below does not appear to be exorbitant or unreasonable on the evidence available in this case. No circumstance has been brought to my notice to indicate that the order passed by the court below is not legal, proper and correct.

Having gone through the relevant inputs, I am satisfied that the order passed by the court below does not suffer from any illegality, impropriety or incorrectness, warranting interference by this Court.

In the result, this RP(FC) stands dismissed.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl.

True Copy

PA to Judge