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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR**

**WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937**

**RPFC.No. 262 of 2015 ()**

**AGAINST THE ORDER IN MC 482/2014 OF FAMILY COURT, NEDUMANGAD DATED 21.04.2015**

**REVISION PETITIONER/RESPONDENT :**

**SHAJAHAN, AGED 38 YEARS**
**S/O. K.M.JALAL, TC 10/1450(1), JS MANZIL**
**VILAYANIKONAM, VATTIYOORKAVU, THIRUVANANTHAPURAM.**

**BY ADV. SMT.M.SANTHI**

**RESPONDENTS/PETITIONERS :**

1. **SHYNI, AGED 32 YEARS**
   **W/O. SHAJAHAN, SHYNI MANZIL, NETTAYAN**
   **KANCHANI P.O., VATTIYORKAVU VILLAGE**
   **THIRUVANANTHAPURAM.**

2. **AMINA, AGED 10 YEARS**
   **D/O. SHYNI, SHYNI MANZIL, NETTAYAN**
   **KACHANI P.O., VATTIYORKAVU VILLAGE**
   **THIRUVANANTHAPURAM, REPRESENTED BY HER MOTHER.**

3. **AALIYA, AGED 8 YEARS**
   **D/O. SHYNI, SHYNI MANZIL, NETTAYAN**
   **KACHANI P.O., VATTIYOORKAVU VILLAGE**
   **THIRUVANANTHAPURAM, REPRESENTED BY HER MOTHER.**

**THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**SCL.**

**B. SUDHEENDRA KUMAR, J.**

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R.P.(F.C.) No.262 of 2015

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Dated this the 14th day of October, 2015.

**ORDER**

The revision petitioner is the respondent in M.C.No.482 of 2014 on the files of the Family Court, Nedumangadu. The revision petitioner was directed by the court below to pay an amount of ₹4,000/- to the first respondent, who is the wife of the revision petitioner and ₹1,000/- each to respondents 2 and 3 herein, who are the children, towards their monthly maintenance.

2. Heard the learned counsel for the revision petitioner.

3. The status of the first respondent as the first wife and the paternity of respondents Nos. 2 and 3 are not disputed.

4. The first respondent contended that the first respondent is not having any source of income for her livelihood. She is the legally wedded wife of the revision

petitioner. The revision petitioner deserted her from 31.07.2014 onwards and thereafter, the revision petitioner did not maintain her or the other respondents herein. The first respondent contended that the revision petitioner is conducting a ready-made shop, getting a monthly income of ₹50,000/- from there.

4. The revision petitioner stated that the revision petitioner is not conducting any ready-made shop as contended by the first respondent herein. The revision petitioner would contend that the first respondent is conducting a ready-made shop, earning a monthly income of ₹ 60,000/- from there. The minor respondents are under the care and custody of the revision petitioner from Friday to Monday as per the order in O.P.No.1103 of 2008.

6. Before the court below, PW1 was examined and Exts.P1 to P3 were marked for the respondents herein. CPW1 was examined and Exts.R1 to R7 were marked for the revision petitioner.

7. The court below, after evaluating the oral and documentary evidence, found that even though the licence was in the name of PW1, the business is not being conducted by PW1 in the said premises. The revision petitioner is getting a monthly income of ₹7,000/- as per the admission of CPW1. The court below found that the first respondent is not having any source of income for her livelihood.

8. Considering the status of the parties, the cost of living, the factum of desertion, the needs of the respondents herein and the probable income of the revision petitioner, the court below directed the revision petitioner to pay the maintenance as stated above.

Having gone through the relevant inputs, I do not find any reason to hold that the quantum of maintenance ordered by the court below suffers from any illegality, impropriety or incorrectness, warranting interference by this Court.

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

However, I make it clear that this order will not be a bar

in approaching the court below under Section 127 Cr.P.C. with all materials available to him.

Sd/-
**B. SUDHEENDRA KUMAR**
**JUDGE**

Scl.

True Copy

PA to Judge