

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

RPFC.No. 278 of 2015 ()

MC. NO.1/2015 of FAMILY COURT, NEDUMANGAD.

REVISION PETITIONER/RESPONDENT:

PRAVEEN KUMAR. R., AGED 30 YEARS,
S/O RAVEENDRAN, R.A. NIVAS, ULLAS NAGAR,
KOLIYAKKODU P.O., VENJARAMOODU,
THIRUVANANTHAPURAM.

BY ADVS.SRI.V.G.ARUN,
SRI.T.R.HARIKUMAR.

RESPONDENT/PETITIONER:

ARCHANA, AGED 25 YEARS,
D/O SANTHAMMA, THEKKEMANGARATHU VEEDU,
HARITHA NAGAR, MUNNAMOODU, VATTIYOORKAVU,
PEROORKADA, THIRUVANANTHAPURAM-695 013.

BY ADVS. SMT.M.SANTHI,
SRI.G.RANJU MOHAN.

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs.

B.SUDHEENDRA KUMAR, J.

R.P.(FC) No. 278 of 2015

Dated this the 11th day of September, 2015

ORDER

The revision petitioner is the respondent in MC 1/2015, on the files of Family Court, Nedumangad.

2. The court below directed the revision petitioner to pay a monthly maintenance of Rs.1,500/- to the respondent herein, under Section 125 Cr.PC. Aggrieved by the said order, this revision petition has been filed.

3. Before the court below, the respondent herein was examined as PW1 and Ext.P1 was marked for the respondent herein. R1 to R3 were marked for the revision petitioner. The court below relied on the oral and documentary evidence adduced by both sides and came to the conclusion that the respondent herein was deserted by the revision petitioner. PW1 stated that she was treated with cruelty by the revision petitioner and in the said circumstances, she was forced to leave the

company of the revision petitioner, which was accepted by the courts below in the absence of any evidence to the contrary.

4. Ext.P1 would show that the respondent herein used to occasionally work in 'ANERT' on daily wages. The respondent herein contended that she was not having any employment. However, she admitted that she used to work on daily wages, as and when she used to get the work. Ext.P1 would show that the respondent herein could not get any work during February and thereafter. Whenever she had job, she used to get Rs.475/- per day as wages. The decision in **Bhagawan Dutt v. Kamla Devi and Another(AIR 1975 SC 83)** was relied upon by the learned counsel for the revision petitioner to argue that the court below should have taken into consideration the income of the respondent herein, before fixing the quantum of maintenance.

5. I have gone through the order impugned and I am satisfied that the court below had considered the income of the respondent herein before fixing the quantum of maintenance. The court below noticed that the job of the respondent herein

was not a permanent job and she used to get wages only when she was called for the job.

6. The revision petitioner admitted that he is working as an attender in a Government Engineering College. The evidence of PW1 would show that the revision petitioner is getting Rs.20,000/- per month as salary. However, the revision petitioner did not adduce any oral or documentary evidence to prove his income. Therefore, the court below accepted the income stated by PW1 as the income of the revision petitioner. Taking into consideration of the amount that the respondent herein occasionally gets and also taking into consideration of the income of the revision petitioner and the status of the parties, the court below correctly found that the respondent herein is entitled to get an amount of Rs.1,500/- per month towards maintenance. Having gone through the order impugned, I do not find any reason to hold that the appreciation of evidence and finding arrived at by the court below suffer from any illegality, impropriety or incorrectness, warranting interference by this Court . In the said

circumstances, the order impugned does not call for any interference by this Court.

In the result, this revision petition stands dismissed.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

//TRUE COPY//

P.A.TO JUDGE

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