

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

RPFC.No. 285 of 2015 ()

ORDER IN MC 6/2012 OF FAMILY COURT, IRINJALAKUDA

REVISION PETITIONER/RESPONDENT:

UDAYAKUMAR, AGED 37 YEARS
S/O.SIVARAMAN, KIZHAKKUPURAM HOUSE
THAIKKATTUSSERY P.O., EDAKKUNNI VILLAGE
THRISSUR TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR

RESPONDENTS/PETITIONERS:

1. PREETHY
D/O.PEETHAMBARAN, KOOTTUMAKKAL HOUSE
VELLANGALLUR P.O., VADAKKUMKARA VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT-680662.
2. NEERAJ
AGED 5½ YEARS, S/O.UDAYAKUMAR, KIZHAKKUPURAM HOUSE
THAIKKATTUSSERY P.O., EDAKKUNNI VILLAGE
THRISSUR TALUK
THRISSUR DISTRICT. (REPRESENTED BY HIS MOTHER
1ST RESPONDENT).

R1 & 2 BY ADV. SRI.T.N.MANOJ

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

scl.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.285 of 2015

Dated this the 16th day of November, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.6 of 2012 on the files of the Family Court, Irinjalakuda. The revision petitioner was directed to pay ₹3,000/- to the first respondent and ₹1,500/- to the second respondent towards their monthly maintenance.

2. Heard both sides.

3. The status of the first respondent as the wife and the second respondent as the minor son of the revision petitioner is not disputed.

4. The first respondent would contend that the revision petitioner treated her with cruelty and refused to maintain her from 12.08.2009 onwards. The revision petitioner is a carpenter by profession, earning ₹15,000/- per month.

5. The revision petitioner would contend that the first respondent had left the company of the revision petitioner

without any sufficient cause. The revision petitioner is having 50% disability and hence, he is not in a position to earn income even for meeting his day-to-day expenses.

6. Before the court below, PW1 and PW2 were examined and Ext.A1 was marked for the respondents herein. RW1 was examined and Exts.B1 to B5 were marked for the revision petitioner.

7. Ext.B5 certificate was produced by RW1 to show that he is having 50% disability. RW1 is a carpenter by profession. Ext.B5 was issued by a Medical Board. However, there is nothing in Ext.B5 to show that the revision petitioner is not having the capacity to do any work. There is also no evidence before the court to show that the capacity of the revision petitioner to do the work had been reduced to an extent of 50%. Since the revision petitioner is a carpenter by profession, the court below observed that the revision petitioner is getting attractive wages. After considering the evidence in detail, the court below found that the revision

petitioner is capable of maintaining the respondents. The court below after evaluating the evidence, rightly found that the first respondent was compelled to leave the company of the revision petitioner due to the cruelty by the revision petitioner.

8. The court below, after taking into consideration of the probable income of the revision petitioner, the needs of the respondents and the status of the parties, directed the revision petitioner to pay the maintenance as stated above. No circumstance has been brought to my notice to indicate that the above finding by the court below suffers from any infirmity, warranting interference by this Court.

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

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/16.11.2015

True Copy

PA to Judge