

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

RPFC.No. 290 of 2015 ()

ORDER IN MC 304/2013 OF THE FAMILY COURT, KANNUR DATED 28-10-2014

REVISION PETITIONER/RESPONDENT:

K.MUSTHAFA AGED 67 YEARS
S/O.ABOOBACKER HAJI, KUTTUKKAN HOUSE, PULINGOME
VIA CHERUPUZHA, P O CHUNDA-675011

BY ADVS.SRI.T.R.RAVI
SRI.JAWAHAR JOSE
SRI.V.VINAY MENON
SMT.CISSY MATHEWS
SRI.ARUN AJAY SHANKAR

RESPONDENT/RESPONDENTS:

K.RUKHIYA, AGED 58 YEARS
W/O.K.MUSTHAFA, KATTOOR HOUSE, SAREENA MANZIL
THAYINERI, PAYYANUR AMSOM, P O. PAYYANNUR - 670307
TALIPARAMBA TALUK, KANNUR DIST

R1 BY ADV. SRI.M.V.AMARESAN
R1 BY ADV. SRI.V.N.RAMESAN NAMBISAN
BY PUBLIC PROSECUTOR SRI.R.JITHESH

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.290 of 2015

Dated this the 9th day of October, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.304 of 2013 on the files of the Family Court, Kannur, who has filed this revision petition challenging the order passed by the court below directing the revision petitioner to pay an amount of ₹3,000/- 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 revision petitioner as the husband of the respondent herein is not disputed.

4. According to the respondent herein, she was married by the revision petitioner on 7.11.1976. They lived together only for one year. After the birth of the daughter, the revision petitioner started treating the respondent with cruelty. Even to conduct the marriage of her daughter, she had to get the assistance from her brother. The revision petitioner is

having property worth more than ₹1 Crore and he is financially affluent. The revision petitioner would contend that the revision petitioner is having arthritis and hence he is not in a position to do any work.

5. Before the court below, PW1 was examined and Exts. A1 (a) series were marked for the respondent herein. RW1 was examined and Ext.B1 was marked for the revision petitioner.

6. The court below, after considering the relevant inputs, correctly found that the respondent herein was deserted by the revision petitioner. Even though the revision petitioner produced Ext.B1 certificate to prove that he was having arthritis, the court below did not accept the said document on various reasons. RW1 stated that he was aged 65 years. However, Ext.B1 would show that the person covered by Ext.B1 was aged only 59 years. No identification mark was also shown in Ext.B1 to indicate that Ext.B1 relates to the revision petitioner. In the said circumstances, the court

below did not act upon Ext.B1.

8. Taking into consideration of the facts and circumstances of the case, the court below found that the revision petitioner is an able-bodied person. He married three ladies. The court below found that a person having only high financial status could marry more than a lady as per Muslim custom. RW1 admitted that he was having nine shop rooms. The evidence on record would show that the respondent herein is not having any source of income.

9. Considering the facts and circumstances of the case, including the status of the parties and the needs of the respondent, the court below fixed the quantum of maintenance at ₹3,000/- per month. The revision petitioner was also directed to pay past maintenance to the respondent herein at the same rate from 30.7.2010 to 30.7.2013. No circumstance has been brought to my notice to indicate that the order passed by the court below suffers from any illegality, impropriety or incorrectness.

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