

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

RPFC.No. 294 of 2015

(AGAINST THE ORDER IN CMP.55/2014 IN MC.29/2003
FAMILY COURT, KALPETTA)

REVISION PETITIONER/RESPONDENT:

SUBHASH
S/O.RAMAN, PERUVALLY PARAMBIL HOUSE, VAZHAVATTA P.O.
MUTTIL VILLAGE, SULTHAN BATHERY TALUK
WAYANAD DISTRICT.

BY ADV. SRI.JOSE J.MATHEIKAL

RESPONDENTS/PETITIONERS:

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1. SHEEJA
D/O.PONNAPPAN, LAKKATTU HOUSE, APPAD
MAILAMPADI P.O., PURAKKADI VILLAGE
SULTHAN BATHERY TALUK, WAYANAD DISTRICT -673 592.
 2. ADITHYA, MINOR, AGED 12 YEARS
REPRESENTED BY MOTHER SHEEJA, LAKKATTU HOUSE, APPAD
MAILAMPADI P.O., PURAKKADI VILLAGE
SULTHAN BATHERY TALUK, WAYANAD DISTRICT -673 592.

R1&2 BY ADV. SMT.SHAHNA KARTHIKEYAN
R1&2 BY ADV. SMT.C.K.LEKHAMMA

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.294 of 2015

Dated this the 29th day of September 2015

O R D E R

The revision petitioner is the respondent in C.M.P. No.55 of 2014 in M.C.No.29 of 2003 on the files of the Family Court, Kalpetta, who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay an amount of Rs.1,000/- to the first respondent and an amount of Rs.1,500/- to the 2nd respondent, towards their monthly maintenance.

2. Heard both sides.

3. It is not disputed that the first respondent is the

wife and the 2nd respondent is the minor daughter of the revision petitioner.

4. It appears that earlier an amount of Rs.500/- each was awarded by the Judicial Magistrate of First Class - II, Sulthan Bathery as monthly maintenance as per order in M.C. No.29 of 2003. The respondents filed the present application praying for enhancement of compensation alleging that due to the increase in cost of living, the amount awarded is not sufficient to meet their expenses. According to the respondents, the first respondent is not having any source of income for livelihood. The revision petitioner is having two acres of land from which he is getting Rs.25,000/- per month. He is also having employment as a watchman in Wynaad Institute of Medical

Science, from which he is getting a considerable amount as salary.

5. The revision petitioner would contend that the first respondent is conducting a tailoring shop and she is getting handsome income from the said shop. The revision petitioner is working as a security in Mahindra and Mahindra Securities drawing a salary of Rs.7,000/- per month. The petitioner is also having another wife to be looked after. In the said circumstances, the revision petitioner is not in a position to grant enhancement of compensation to the respondents.

6. Before the court below, PW1 was examined for the respondents. RW1 was examined and Exts.B1 to B3 were marked for the revision petitioner.

7. The court below, after considering the relevant inputs found that the revision petitioner could not establish that the first respondent was having any tailoring job as contended by the revision petitioner. The court below further found that there is no material before the court to prove that the first respondent is having any source of income. The court below observed that the revision petitioner had admitted in his evidence that he is having 93 cents of land. The revision petitioner had stated that he is drawing a monthly salary of Rs.7,000/-. However, the court below observed that since the revision petitioner was having job in an establishment, he could have produced the records relating to the salary of the revision petitioner. However, the revision petitioner did not produce any such

document to show that he was getting only an amount of Rs.7,000/- per month as salary from his employment. The court below opined that the revision petitioner would be getting at least an amount of Rs.3,000/- per month from his landed property. Taking into consideration of the entire aspects, including the hike in the cost of living, the needs of the respondents and the income of the revision petitioner, the court below came to the conclusion that the first respondent is entitled to an amount of Rs.1,000/- per month and the 2nd respondent is entitled to Rs.1,500/- per month towards their maintenance. Having gone through the order impugned, I am of the view that the quantum of maintenance ordered by the court below is not excessive or unreasonable. No circumstance has been brought to my

notice to indicate that the finding of the court below is perverse or incorrect. In the said circumstances, I find no reason to interfere with the order passed by the court below directing the revision petitioner to pay Rs.1,000/- to the first respondent and Rs.1,500/- to the second respondent towards their monthly maintenance.

In the result, this revision petition stands dismissed.

The revision petitioner is granted three months time to pay the entire arrears of maintenance.

Sd// B.SUDHEENDRA KUMAR, JUDGE.

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/ True copy /

PA to Judge