

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

RPFC.No. 296 of 2015 ()

MC 147/2013 of FAMILY COURT, KASARAGOD

REVISION PETITIONER/RESPONDENT:

MUHAMMED KUNHI , AGED 42 YEARS
S/O.ABDUL KHADER
NOW RESIDING AT PULINTADY HOUSE, MAVINAKKATTA
P.O.NEKRAJE, NEKRAJE VILLAGE
KASARAGOD TALUK AND DISTRICT - 671 531.

BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.A.S.SREEKANTH

RESPONDENTS/PETITIONERS:

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1. THAHIRA, AGED 31 YEARS
RESIDING AT ANMEER MANZIL, NEKRAJE
NEKRAJE VILLAGE AND POST
KASARAGOD TALUK AND DISTRICT - 671 531.
 2. AYISHATH THASEENA, (MINOR), AGED 7 YEARS
REPRESENTED BY NEXT FRIEND AND MOTHER THAHIRA K.A.RESIDING AT
ANMEER MANZIL
NEKRAJE, NEKRAJE VILLAGE AND POST
KASARAGOD TALUK AND DISTRICT - 671 531.
 3. NAFEESA MIRZANA (MINOR), AGED 5 YEARS
REPRESENTED BY NEXT FRIEND AND MOTHER THAHIRA
K.A. RESIDING AT ANMEER MANZIL
NEKRAJE, NEKRAJE VILLAGE AND POST
KASARAGOD TALUK AND DISTRICT - 671 531.

BY ADV. SRI.JAWAHAR JOSE
BY ADV. SRI.ARUN AJAY SHANKAR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 17-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.)No.296 of 2015

Dated this the 17th day of September 2015

ORDER

The revision petitioner is the respondent in M.C. No.147 of 2013 on the files of the Family Court, Kasaragod, who in this revision petition challenges the order passed by the Family Court under Section 125(1) Cr.P.C., directing the revision petitioner to pay a monthly maintenance of Rs.2,000/- to the first respondent herein and Rs.1,000/- each to respondent Nos.2 and 3 herein.

2. Heard both sides.

3. The marriage between the first respondent with the revision petitioner was admitted by both sides. According to the first respondent, she was deserted by the revision petitioner from 23.2.2013 onwards and thereafter, he contracted another marriage on 30.6.2013. The revision petitioner is working in Kuwait and earning a monthly income of Rs.30,000/-. The first respondent is not having any source of income for her maintenance. Respondent Nos.2 and 3 are school going children. They also require money for their maintenance.

4. The revision petitioner, on the other hand, contended that he was in abroad during the period of marriage. However, he left the job in Kuwait and now, he is wandering without any employment. He is not having

any source of income. According, to the revision petitioner the first respondent deserted him.

5. Before the court below, PW1 was examined and Exts.A1 and A2 were marked for the respondents herein and RW1 was examined for the revision petitioner.

6. The court below, after evaluating the evidence, found that the revision petitioner deserted the respondents and that the first respondent herein was not having any source of income for her maintenance. Respondent Nos.2 and 3 are school going children and they also need money for their maintenance. Even though it is contended by the respondents that the revision petitioner is getting a monthly income of Rs.30,000/-, RW1 denied the same. However, he admitted that he was working in Kuwait and he was

there in Kuwait for 12 years. He stated that he was working there as an Electrical shop salesman. Having regard to the facts and circumstances of the case, the court below disbelieved the contention that the revision petitioner had no source of income. The court below correctly appreciated the oral and documentary evidence and came to the conclusion that the revision petitioner is bound to maintain the respondents. Taking into consideration of the relevant inputs, the court below found that the first respondent is entitled to get an amount of Rs.2,000/- per month and respondent Nos.2 and 3 are entitled to get an amount of Rs.1,000/- each as maintenance from the revision petitioner. Having gone through the relevant inputs, I am of the view that the maintenance

awarded by the court below cannot be said to be exorbitant or unreasonable. No circumstance has been brought to my notice to indicate that the order impugned suffers from any impropriety or incorrectness or illegality warranting interference by this Court. In the said circumstances, I find no reason to interfere with the order impugned.

In the result, this revision petition stands dismissed.

The revision petitioner is granted three months time to make payment of the entire arrears of the amount of maintenance, provided the revision petitioner pays 25% of the arrear amount within one month from today.

Sd//

**B.SUDHEENDRA KUMAR,
JUDGE.**

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/ True copy /

PA to Judge