

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

RPFC.No. 306 of 2015 ()

AGAINST THE ORDER IN MC 17/2014 of FAMILY COURT, NEDUMANGAD
DATED 17TH JUNE, 2015.

REVISION PETITIONER(S)/RESPONDENT:

SHAJU AGED 34 YEARS
S/O.LATE MUHAMMED KUNJU, SHAJU MANZIL, PICHIMANGALAM
VENJARAMOODU.P.O., PULLAMPARA VILLAGE
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER JAMEELA BEEVI
W/O.LATE MUHAMMED KUNJU, AGED 61
RESIDING AT SHAJU MANZIL, DO...DO...DO...

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/PETITIONERS & STATE:

1. RAMZY, AGED 22 YEARS
D/O.ABDUL JABBAR, RAMZY MANZIL, THEVANPARA
THOLIKKODU VILLAGE, NEDUMANGAD TALUK
THIRUVANANTHAPURAM DISTRICT.

2. ILAN HASHMI
D/O.RAMZY, RAMZY MANZIL, THEVANPARA
THOLIKKODU VILLAGE, NEDUMANGAD TALUK
THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY HER MOTHER AND NATURAL GUARDIAN RAMZY
D/O.ABDUL JABBAR, DO... DO...DO...

3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.NIDHI BALACHANDRAN & ADV. SRI.SABU GEORGE
FOR R3 PUBLIC PROSECUTOR SRI. R. GITHESH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 29-09-2015, THE COURT OF 19-10-2015, PASSED THE
FOLLOWING:

B. SUDHEENDRA KUMAR, J.

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RP (F C) No. 306 of 2015
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Dated this the 19th day of October, 2015

ORDER

The revision petitioner is the respondent in MC No. 17 of 2014 on the files of the Family Court, Nedumangad who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay a monthly maintenance of Rs. 7,000/- to the first respondent and Rs. 1000/- to the 2nd respondent herein.

2. Heard.

3. The first respondent herein would contend that she is not having any job or income. The revision petitioner is working as a salesman -cum-driver in Dhanoob Building Materials, Dubai, earning a monthly income of Rs. 2 lakhs. The revision petitioner filed objection stating that the first respondent deserted the revision petitioner. The monthly income stated by the first respondent is not correct. The first respondent is having sufficient income to maintain herself and the 2nd respondent herein. The status of the first respondent as the wife and the 2nd respondent as the minor child of the revision petitioner is not disputed.

4. Before the court below, PW1 was examined and Ext. P1 was marked for respondent Nos. 1 and 2 herein. CPW1 was examined and Exts. R1 to R3 were marked for the revision petitioner.

5. The evidence of PW1 would show that she was treated with cruelty by her husband and in-laws and thereafter, she was sent out from the house by her in-laws. Ext. P1 is the FIR which would show that the revision petitioner is an accused in a case filed by the first respondent herein under Section 498 A IPC. Ext. R1 is the salary certificate of the revision petitioner for the year 2007. CPW1 is the mother of the revision petitioner. As per Ext. R1, the salary of the revision petitioner is Rs. 1200 dirhams and 400 dirhams for food. This would show that the basic salary plus dearness allowance of the revision petitioner would come to 1600 dirhams during the year 2007. The revision petitioner is a healthy, able bodied person. Therefore, he is under legal obligation to maintain his wife and minor daughter.

6. There is absolutely no other material before the Court to show the present salary of the revision petitioner. CPW1 was also not having any direct knowledge regarding the salary of the revision petitioner. After considering the facts and circumstances of the case, including the needs of the respondents herein, the status of the parties and the probable income of the revision petitioner, the court below fixed the quantum as stated above.

7. Having gone through the relevant inputs, I am of the view that the quantum of maintenance ordered by the court below cannot be said to be unreasonable or excessive. In the said circumstances, I find no reason to interfere with the order passed by the court below.

In the result, this Revision Petition (FC) stands dismissed.

B. SUDHEENDRA KUMAR,
JUDGE.

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