

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

RPFC.No. 316 of 2015 ()

AGAINST THE ORDER IN CMP.9/2014 IN CMP 22/2011
IN M.C.72/2005 OF FAMILY COURT, ALAPPUZHA

REVISION PETITIONER/RESPONDENT/RESPONDENT:

N.N.VIJAYAN, AGED 73 YEARS
S/O.NARAYANAN, VADAKKEMOOLAYIL VEEDU, CMC - 3
CHERTHALA MUNICIPALITY
CHERTHALA P.O. (OLD)PUTHUVAL NIKARTHIL VEEDU
CMC - 3, CHERTHALA MUNICIPALITY, CHERTHALA TALUK
ALAPPUZHA.

BY ADVS.SMT.C.G.BINDU
SMT.C.G.AJITHA

RESPONDENT/PETITIONER/PETITIONER:

MOOKAMBIKA, AGED 63 YEARS
D/O.VILASINI, PUTHUVAL NIKARTHIL VEEDU, CMC - 3
CHERTHALA MUNICIPALITY
CHERTHALA P.O.CHERTHALA TALUK, ALAPPUZHA.

BY ADV. SRI.R.SURAJ KUMAR
BY ADV. SMT.V.BEENA
BY ADV. SMT.V.DEEPA

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.316 of 2015

Dated this the 11th day of September 2015

O R D E R

The revision petitioner is the respondent in C.M.P. No.9 of 2014 in C.M.P.No.22 of 2011 in M.C. No.72 of 2005 on the file of the Family Court, Alappuzha. The revision petitioner was originally directed by the court below to pay a maintenance of Rs.750/- per month to the respondent. Thereafter, the said amount was enhanced to Rs.1,350/- with effect from 21.1.2011. C.M.P. No.9 of 2014 was filed before the court below praying for further enhancement of maintenance amount. The court below

directed the revision petitioner to pay an amount of Rs.4,000/- per month towards the maintenance of the respondent herein. Aggrieved by the said order, the petitioner before the court below, has come up with this revision petition.

3. Heard the learned counsel for the revision petitioner.

4. Before the court below, PW1 and PW2 were examined and Ext.A1 to A7 were marked for the petitioner therein. CPW1 was examined and Exts.B1 to B4 were marked for the respondent therein.

5. The respondent herein contended that she is aged 63 years and she is having so many ailments, She has to undergo treatment for her ailments, for which she has to

spend huge amount. She is not having any source of income. The maintenance amount of Rs.1,350/- awarded to her is not sufficient to meet her medical and other expenses. The revision petitioner is drawing a monthly pension of Rs.21,385/-. He got an amount of Rs.6,23,471/- during 2012 including the arrears of pension, DA arrears, DCRG, festival allowance etc, as per Ext.A4. The revision petitioner is also conducting electric work on contract basis, from which also, he is getting income.

6. The revision petitioner would admit that he is getting a pension of Rs.21,385/- per month. However, he denied that he is getting any income from any electric work on contract basis or by any other means. The revision petitioner is aged 73 years. He is also undergoing

treatment for cardiac problems and other problems, for which he has to spend huge amount. The revision petitioner had to part with his house and property due to the dispute with the respondent herein. The revision petitioner availed a loan from Muttam Service Co-operative bank, for which the revision petitioner has to repay an amount of Rs.6,367/- per month. Therefore, the revision petitioner is not having any amount to grant enhanced maintenance.

7. The court below considered the oral and documentary evidence produced before the court below by the parties and came to the conclusion that the respondent herein requires enhanced amount for her treatment and other expenses. PW2 was examined to prove that the

revision petitioner was doing electrical work on tract basis employing labourers. Relying on the entire evidence, the court below found that the revision petitioner was having the capacity to make payment of the enhanced amount as maintenance to the wife. Both sides admit that they are husband and wife. Having gone through the order impugned, I am satisfied that the court below correctly considered the oral and documentary evidence and came to the conclusion that the respondent herein is entitled to get Rs.4,000/- per month towards her maintenance from 23.1.2014 onwards. No circumstance has been brought to my notice to indicate that the order passed by the court below is incorrect, improper or illegal. Having gone through the relevant inputs, I am satisfied that the order

impugned does not suffer from any illegality, impropriety or incorrectness, warranting interference by this court.

In the result, this revision petition stands dismissed.

Sd//

**B.SUDHEENDRA KUMAR,
JUDGE.**

dl

/ True copy /

PA to Judge