

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

RPFC.No. 326 of 2015 ()

MC 65/2014 of FAMILY COURT, VADAKARA

REVISION PETITIONER:(RESPONDENT):

VINODAN T.K.K., AGED 41 YEARS
S/O.BALAN, THAPPIDIKANDAM KUNIYIL HOUSE, KANDEEKKARA
POST KARTHIKAPPALLI, VILLIAPPALLI (VIA)
KARTHIKAPPALLI AMSOM AND DESOM, VATAKARA, PIN 673542.

BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON

RESPONDENTS/(PETITIONERS):

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1. RAJILA, AGED 30 YEARS
D/O.NARAYANAN, AKKAROLATHAZHA KUNI HOUSE
CHETTIANTAVIDA, POST EDACHERY, VATAKARA
PIN 673542.
 2. DAUGHTER VINAYA (MINOR), AGED 11 YEARS
-DO- -DO-
 3. SON VISAKH (MINOR), AGED 6 YEARS
-DO- -DO- (MINORS ARE REPRESENTED BY MOTHER
1ST RESPONDENT RAJILA).

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.326 of 2015

Dated this the 14th day of September 2015

O R D E R

The revision petitioner is the respondent in M.C. No.65 of 2014 on the files of the Family Court, Vatakara, who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay a maintenance of Rs.2,500/- to the first petitioner and Rs.1,500/- each to petitioner Nos. 2 and 3.

2. Heard.

3. For the sake of convenience, the parties are

referred to in this order, as per their status before the court below.

4. Before the court below, PW1 and PW2 were examined for the petitioners and RW1 was examined and Ext.B1 was marked for the respondent.

5. The petitioners would contend that the respondent deserted the petitioners from October 2013 onwards and thereafter, the respondent did not maintain them. The petitioners have no source of income for their livelihood. The respondent is doing welding work, from which he is getting Rs.20,000/- per month. He is also getting an income of Rs.12,000/-per year from his landed property. The petitioners claimed monthly maintenance of Rs.5,000/- to the first petitioner and Rs.2,000/- each to petitioner Nos.

2 and 3.

6. The respondent filed counter refuting the contentions of the petitioners. The respondent is deaf and dumb. Soon after the marriage, the first petitioner was compelling the respondent to reside in her house stating that her mother alone was there in the house. As the aged parents of the respondent alone were there in the house of respondent, he was not in a position to agree with the same. The first petitioner behaved in a very cruel manner towards the respondent. The first petitioner used to go and reside in her house without informing the respondent. From 7.3.2013 onwards, the first petitioner is residing separately from him without any reason. The first petitioner is doing tailoring work, from which she is getting Rs.10,000/- per

month. The respondent is not doing any welding work and he is not getting any income from his property as well.

7. Even though the respondent contended that the first petitioner was doing tailoring work, the court below did not accept the said contention of the respondent on the main reason that RW1 himself stated before the court that the first petitioner did not know tailoring. That apart, no material was produced before the court below to prove that the first petitioner was doing tailoring work. Nobody was also examined before the court below to prove the same. In the said circumstances, the court below repelled the contention of the respondent that the first petitioner is doing tailoring work.

8. The marriage between the first petitioner and the respondent, and the paternity of petitioner Nos. 2 and 3 are not disputed. It is admitted by RW1 that the petitioners were residing separately from the respondent with effect from 7.3.2013. The court below, after considering the relevant inputs, found that the respondent failed to maintain the petitioners.

9. The petitioners contended that the respondent is getting an amount of Rs.20,000/- per month from his welding work and Rs.12,000/- per year from his landed property. However, the respondent denied the same. The respondent did not state that he was having any job. In the said circumstances, taking into consideration of the entire aspects, the court below found that the respondent, being a

healthy person, would get at least an amount of Rs.400/- per day if worked as a cooli. He can work for 25 days in a month. Considering the relevant inputs, the monthly income of the respondent was fixed by the court below at Rs.10,000/- and accordingly, the respondent was directed to pay a monthly maintenance of Rs.2,500/- to the first petitioner and Rs.1,500/- each to petitioner Nos. 2 and 3.

10. Having gone through the relevant inputs, I am satisfied that the court below correctly appreciated the evidence and rightly arrived at a finding with regard to the quantum of maintenance. Therefore, I find no reason to interfere with the said order.

In the result, this revision petition stands dismissed. However, the revision petitioner is granted three months

time to make payment of the entire arrears of maintenance,
on condition that the revision petitioner deposits 50% of
the amount within 45 days from today.

Sd//

**B.SUDHEENDRA KUMAR,
JUDGE.**

dl

/ True copy /

PA to Judge