

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

RPFC.No. 327 of 2015 ()

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AGAINST THE ORDER IN MC.NO. 329/2014 OF FAMILY COURT, NEDUMANGAD
DATED 18-03-2015
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PETITIONER/RESPONDENT IN MC NO.329/2014 :

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STALIN STEPHEN
AGED 37 YEARS, S/O.STEPHEN, LENIN BHAVAN, EDAKKAVU
PANNIYODE P.O., KATTAKKADA, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.N.P. PRAJEESH
SRI.THOMAS JAMES MUNDACKAL**

RESPONDENTS/PETITIONERS IN MC NO.329/2014 :

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1. LICY JACOB,
AGED 37 YEARS, D/O.ACHAMMA,
KARMMAL, PARATTUKONAM
NALANCHIRA P.O., ULLOOR VILLAGE
THIRUVANANTHAPURAM-695 015.**

**2. LIYA STALIN,
AGED 5 YEARS, D/O.LICY JACOB,
KARMMAL, PARATTUKONAM
NALANCHIRA P.O., ULLOOR VILLAGE
THIRUVANANTHAPURAM-695 015.
REP. BY HER MOTHER LICY JACOB
D/O.ACHAMMA, -DO- -DO-**

**THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.)No. 327 of 2015

Dated this the 15th day of September, 2015

ORDER

The revision petitioner is the counter petitioner in MC 329/2014 on the files of Family Court, Nedumangadu.

2. The revision petitioner was directed to pay Rs.4,000/- per month to the 1st respondent herein and to pay Rs.750/- per month to the 2nd respondent herein towards maintenance, by the court below under Section 125 Cr.PC. Aggrieved by the said order, this revision petition has been filed.

3.Heard.

4. It is not disputed that the revision petitioner is the husband of the 1st respondent herein. The paternity of the 2nd respondent is also not disputed. The 1st respondent herein contended that the revision petitioner deserted her from 28.04.2010 onwards and thereafter he did not maintain her. The 1st respondent is not having any job or

income. The revision petitioner is a driver by profession and getting an income of Rs.25,000/- per month. The revision petitioner contended that the 1st respondent deserted the revision petitioner. The 1st respondent herein is working as a supervisor, getting a monthly income of Rs.9,000/-. The revision petitioner is working in Fire Line Systems as Welder, getting only a monthly income of Rs.8,000/-.

5. Before the court below, the revision petitioner was examined as CPW1 and Ext.R1 was marked for the revision petitioner. The 1st respondent herein was examined as PW1. PW1 stated that she is not having any job. No material has been produced by CPW1 to show that PW1 is having any avocation.

6. Considering the entire evidence, the court below found that the 1st respondent herein is not having any income of her own and she is unable to maintain herself. The court below also found that the revision petitioner neglected to maintain her. Even though the 1st respondent

herein contended that the revision petitioner is getting a monthly income of Rs.25,000/-, she was not able to prove the same before the court by producing evidence before the court. However, the revision petitioner admitted that he is getting an amount of Rs.8,000/- per month as per Ext.R1 salary certificate. Taking into consideration of the income of the revision petitioner, the costs of living and the status of the parties, the court below directed the revision petitioner to pay a monthly maintenance of Rs.4,000/- to the 1st respondent herein and Rs.750/- to the 2nd respondent herein. Having gone through the relevant inputs, I do not find any reason to hold that the quantum of maintenance ordered by the court below is exorbitant or unreasonable. Having gone through the entire materials, I do not find any reason to hold that the order passed by the court below is perverse, incorrect, improper or illegal. In the said circumstances, I do not find any reason to interfere with the same.

In the result this revision petition stands dismissed.

Needless to state that the revision petitioner shall be at liberty to move the court below under Section 127 CR.PC for appropriate reliefs if so advised.

Sd/-

**B.SUDHEENDRA KUMAR
JUDGE**

//TRUE COPY//

P.A.TO JUDGE

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