

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. 333 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN MC 139/2013 of FAMILY
COURT, KOZHIKODE DATED 4-5-2015

REVISION PETITIONER(S):

ABDURAHIMAN KUTTI, P.T., S/O. MUHAMMED HAJI,
AGED 40 YEARS, PILATHOTTATHIL HOUSE,
REC, POST PULLAVOOR, KUNNAMANGALAM,
KOZHIKODE DISTRICT

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S):

NOOR SAFA, D/O. ABDURAHIMAN KUTTY, P.T.,
AGED 10 YEARS, NASAR MANZIL P.O. THIRUVANNOOR,
WEST MANKAVU, KOZHIKODE, MINOR REPRESENTED
BY HER MOTHER FATHIMA ALAVI, D/O. ALAVI, NAZAR MANZIL,
P.O. THIRUVANNOOR,
WEST MANKAVU, KOZHIKODE DISTRICT, PIN - 673 007

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.

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Dated this the 17th day of September, 2015

ORDER

The revision petitioner is the respondent in M.C. No. 139 of 2013 on the files of the Family Court , Kozhikode. who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay a monthly maintenance of Rs. 3,000/- to the respondent herein who is the minor daughter of the revision petitioner.

2. Heard the learned counsel for the revision petitioner.

3. In the M.C. before the court below, the minor was

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represented by her mother. It is contended by the mother of the minor that the minor is studying in IV standard in Apex International School and hence the minor requires Rs. 10,000/- per month for her maintenance. The revision petitioner is working abroad earning an amount of Rs. 30,000/- per month from his employment.

4. The marriage between the revision petitioner and the mother of the minor has been dissolved by mutual agreement. The respondent herein is presently with her mother as per the order of the Family Court. The revision Petitioner contended that the revision petitioner is not having any employment at present and he lost his employment in abroad. Now he is getting only an amount of Rs. 300/- per day from the occasional work he gets and hence he is not in a position to give maintenance to his child.

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4. Before the court below, PW1 was examined and Exts., A1 to A4 were marked for the respondent herein. RW1 was examined and Exts. B1 to B3 were marked for the revision petitioner.

5. The courts below, after evaluating the oral and documentary evidence, came to the conclusion that the respondent herein being the daughter of the revision petitioner, he is bound to maintain her. After evaluating the evidence, the court below awarded maintenance of Rs. 3000/- (Rupees three thousand only) per month to the respondent herein. Having gone through the relevant inputs, I do not find anything to hold that the amount of Rs. 3000/- ordered to be paid to the respondent herein by the court below is exorbitant or unreasonable.

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6. The learned counsel for the revision petitioner has argued that eventhough the revision petitioner is prepared to give maintenance as ordered by the court below, the order of the court below directing the amount to be paid through the mother should be set aside, on the reason that the order of the court below appointing the mother as guardian has been already challenged by the revision petitioner before the High Court. It is not disputed that at present there is an order in O.A.83/2013 appointing the mother of the respondent herein as the sole custodian and guardian of the respondent herein. The said order is not yet set aside by any court.

7. In the said circumstances, I do not find any reason to accept the argument of the learned counsel for the revision

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petitioner that the amount ordered to be paid the respondent should not be paid through her mother. Having gone through the relevant inputs, I do not find any reason to interfere with the order impugned.

In the result, this revision petition (FC) stands dismissed.

Sd/-B. SUDHEENDRA KUMAR,
JUDGE.

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P.S. to Judge