

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

RPFC.No. 338 of 2015 ()

MC 73/2013 of FAMILY COURT, TIRUR

REVISION PETITIONER/RESPONDENT:

MUHAMMED SHEREEF AGED 34 YEARS
S/O HAMSA (LATE), CHERUPARAMBILHOUSE, NADUVATTAM AMSOM
MANIYANGAD DESOM, TIRUR TALUK
BEHIND THIRUNNAVAUA RAILWAY STATION, EDAKKULAM POST
MALAPPURAM DISTRICT.

BY ADVS.SRI.K.P.SUDHEER
SRI.Y.JAFAR KHAN

RESPONDENTS/PETITIONERS:

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1. SUFAIJA, AGED 29 YEARS
D/O AVARANKUTTY, KARINGAYI HOUSE, ANANTHAVOOR AMSOM
KONNALLUR DESOM, ANANTHAVOOR P.O., MALAPPURAM DISTRICT
PIN:676301.
 2. MUHAMMED SHAHBAS, AGED 3 YEARS
S/O SUFAIJA, MINOR
REPRESENTED BY HIS MOTHER IST RESPONDENT SUFAIJA
KARINGAYI HOUSE, ANANTHAVOOR AMSOM, KONNALLUR DESOM
ANANTHAVOOR P.O., MALAPPURAM DISTRICT, PIN:676301.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.)No.338 of 2015

Dated this the 23rd day of September 2015

ORDER

The revision petitioner is the respondent in M.C. No.73 of 2013 on the files of the Family Court, Tirur.

2. The revision petitioner was directed to pay an amount of Rs.2,000/- each to respondents towards the monthly maintenance. Aggrieved by the said order, this revision petition has been filed.

3. Heard both sides.

4. The marriage between the revision petitioner and the first respondent and the paternity of the second respondent is not disputed. According to the first respondent, the revision petitioner failed to maintain the respondents from 24.12.2011 onwards. The first respondent has no job or income. The revision petitioner is an expert concrete worker earning Rs.15,000/- per month. He is also involved in sale of stone and sand and earning sufficient income from that business also.

5. The revision petitioner refuted the contentions of the respondents and stated that he has no job or income as stated in the petition. The revision petitioner is suffering from epilepsy and hence he is not in a position to do any job. The revision petitioner had been sending money for the maintenance of the respondents through money order,

which was not accepted by them. If the respondents are prepared to join with the revision petitioner, he is ready to provide maintenance to them.

6. Before the court below, PW1 was examined and Exts.P1 and P2 were marked for the respondents. RW1 was examined and Exts.R1 to R6 were marked for the revision petitioner.

7. The court below, after taking into consideration of the oral and documentary evidence adduced by the parties, found that even though the revision petitioner was an epilepsy patient, there was nothing to indicate that he was not capable of doing any work. The court below also relied on the evidence of RW1 in his cross-examination that he was ready to maintain the respondents, if they would join with him. The Court below observed that the

readiness expressed by the revision petitioner to maintain the respondents was also a circumstance to indicate that the revision petitioner was capable of maintaining his family. There is also no material before the court to rebut the evidence of PW1 that the revision petitioner used to treat PW1 with cruelty and that he did not maintain the respondents from 24.12.2011 onwards. Having gone through the relevant inputs, I find no reason to deviate from the finding of the court below in this regard. The 2nd respondent herein is the infant son of the revision petitioner. He is having 'ischaemic encephalopathy'. The court below also came to the conclusion that the first respondent herein is not having any job or income to maintain herself or to maintain the second respondent. Taking into consideration of the entire aspects, the court

below awarded only an amount of Rs.2,000/- each to the respondents. Having gone through the relevant inputs, I find no reason to hold that the maintenance amount ordered by the court below is exorbitant or unreasonable. In the said circumstances, I do not find any reason to interfere with the order impugned.

In the result, this revision petition stands dismissed.

Sd//
B.SUDHEENDRA KUMAR,
JUDGE.

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/ True copy /

PA to Judge