

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

RPFC.No. 339 of 2015 ()

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MC 79/2013 of FAMILY COURT, PALAKKAD

REVISION PETITIONER/COUNTER PETITIONER:

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K.SIVADASAN, AGED 41 YEARS  
S/O.KITTA, RESIDING AT AMBATTU VEEDU  
PALLANCHATHANOR, ALATHUR  
PALAKKAD DISTRICT

BY ADVS.SRI.T.C.SURESH MENON  
SRI.P.S.APPU

RESPONDENTS/PETITIONERS:

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1. PUSHPALATHA, D/O.CHERUKUTTY,  
AGED 33 YEARS
  2. SILPA (MINOR)D/O.SIVADASAN  
AGED 9 YEARS  
(THE 2ND RESPONDENT IS REPRESENTED HEREIN  
BY HER GUARDIAN MOTHER THE 1ST RESPONDENT)

BOTH ARE RESIDING AT THAZHATHIL VEEDU,  
NOCHULLY PO, KUZHALMANNAM, ALATHUR TALUK  
PALAKKAD - 678 702.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION  
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**B.SUDHEENDRA KUMAR, J.**

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R.P.(F.C.) No.339 of 2015  
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Dated this the 29<sup>th</sup> day of September 2015

**ORDER**

The revision petitioner is the counter petitioner in M.C. No.79 of 2013 on the files of the Family Court, Palakkad, who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay an amount of Rs.3,000/- towards monthly maintenance to the second respondent, who is the minor daughter of the revision petitioner aged 11 years.

2. Heard the learned counsel for the revision petitioner.

3. It appears that the court below earlier directed the revision petitioner to pay an amount of Rs.1,000/- as monthly maintenance to the second respondent as per order in M.C.No.85 of 2007. Thereafter, the respondents filed M.C. No.79 of 2013 praying for enhancement of maintenance to Rs.5,000/- per month to the 2<sup>nd</sup> respondent. The respondents contended that the revision petitioner is having sufficient means to pay the enhanced amount.

4. The revision petitioner, on the other hand, contended that he had already deposited an amount of Rs.1,50,000/- in the name of the 2<sup>nd</sup> respondent, from which she is getting Rs.800/- per month by way of interest and hence, she is not entitled to get any further amount towards maintenance. However, the capacity of the

revision petitioner to pay maintenance is not disputed. The paternity of the 2<sup>nd</sup> respondent is also not disputed. The court below declined to grant maintenance to the first respondent herein, who is the wife of the revision petitioner. The 2<sup>nd</sup> respondent is a school going child. She requires money for her education and other expenses. The revision petitioner being the father of the minor girl, he is bound to give maintenance to her. Considering the entire aspects of the case, including the cost of living and the needs of the 2<sup>nd</sup> respondent, the court below directed the revision petitioner to pay an amount of Rs.3,000/- per month towards the maintenance of the 2<sup>nd</sup> respondent. No circumstance has been brought to my notice to indicate that the order impugned is perverse or incorrect. Having gone

through the relevant inputs, I find no reason to interfere with the order passed by the court below directing the revision petitioner to pay Rs.3,000/- to the second respondent towards her monthly maintenance.

In the result, this revision petition stands dismissed.

However, the revision petitioner is granted two months time to pay the entire arrears of the amount of maintenance.

*Sd// B.SUDHEENDRA KUMAR, JUDGE.*

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*PA to Judge*