

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

RPFC.No. 344 of 2015 ()

ORDER IN MC 267/2013 OF FAMILY COURT, KOZHIKODE DATED 7-05-2015

REVISION PETITIONER/RESPONDENT:

K.M.NANDAKUMAR, AGED 46 YEARS
S/O. RADHAKRISHNAN NAIR, THARAYIL HOUSE
PRABODHINI, MANNUR P.O, KADALUNDY, MANNUR
AMSOM DESOM, KOZHIKODE DISTRICT.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT/PETITIONER:

VALSALA P
D/O. RAIRU NAIR, AGED 44 YEARS,
PARAMBATH HOUSE, PARAVANTHARA ROAD,
VADAKARA, KOZHIKODE DISTRICT - 673 104.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P. (F.C) No. 344 of 2015

Dated this the 28th day of September, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.267 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 an amount of ₹3,000/- towards the monthly maintenance to the respondent herein, who is the wife of the revision petitioner.

2. Heard the learned counsel for the revision petitioner.

3. The status of the revision petitioner as the husband of the respondent, is not disputed.

4. The respondent would contend that the respondent was treated with cruelty by the revision petitioner and in the said circumstances, she was forced to leave the house of the revision petitioner on 2.9.2009 and thereafter, the revision petitioner did not maintain her. It is further contended by the

respondent that the revision petitioner is doing a surgical equipment shop, drawing a monthly salary of ₹20,000/-. The respondent would also contend that she is not having any source of income for her livelihood.

5. The revision petitioner would contend that the revision petitioner is working on daily wages in a surgical equipment shop, getting only an amount of ₹4,000/- per month. The respondent is having 25 cents of land and a house therein. The amount which the revision petitioner is getting, is not sufficient even for his livelihood. In the said circumstances, he is not in a position to maintain the respondent herein.

6. Before the court below, RW1 was examined and Ext.B1 series were marked for the respondent herein. PW1 was examined and Exts. A1 to A3 were marked for the revision petitioner.

7. RW1 stated that she was treated with cruelty by the revision petitioner, his parents and sister. The revision petitioner used to mentally and physically torture her.

Therefore, she was forced to leave her matrimonial home on 2.9.2009.

8. The court below found that the respondent herein was forced to leave the Matrimonial Home due to the cruelty by the revision petitioner and his family members.

9. RW1 stated that the revision petitioner is doing the business in surgical equipments from which he is earning ₹20,000/- per month. The revision petitioner contended that he is only working in a surgical shop as an employee on daily wages, earning only ₹4,000/- per month. However, no material has been produced by the revision petitioner to prove that he is getting only ₹4,000/- per month as wages.

10. In the absence of any material to rebut the evidence of the respondent herein, the court below found that the revision petitioner was having sufficient means to maintain the respondent herein. There is no material before the court below to show that the respondent herein had any source of income for her livelihood.

11. Considering the entire aspects of the case, including the needs of the respondent herein and the status of the parties, the court below fixed the maintenance at ₹3,000/- per month. No circumstance has been brought to my notice to indicate that the quantum of maintenance awarded by the court below is excessive or unreasonable.

Having gone through the relevant inputs, I do not find any reason to interfere with the order passed by the court below directing the revision petitioner to pay maintenance at ₹3,000/- per month to the respondent herein.

In the result, this RP(FC) stands dismissed.

The revision petitioner is granted two months time to pay the entire arrears of maintenance to the respondent herein.

**B. SUDHEENDRA KUMAR
JUDGE**

Scl.