

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

RPFC.No. 353 of 2015 ()

ORDER IN MC 205/2013 OF FAMILY COURT, CHAVARA DATED 16-07-2014

REVISION PETITIONERS/RESPONDENTS:

1. GIREESHKUMAR, AGED 41 YEARS
S/O VAMADEVAN, GIREESHALAYAM, ALUMPEEDIKA MURI
CLAPPANA VILLAGE, ALUMPEEDIKA P.O, OACHIRA
KOLLAM -690 547
REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER THE 2ND PETITIONER
SHEEJA, AGED 39 YEARS, D/O VAMADEVAN, GIREESHALAYAM
ALUMPEEDIKA MURI, CLAPPANA VILLAGE, ALUMPEEDIKA PO
OACHIRA, KOLLAM -690 547
2. SHEEJA, AGED 39 YEARS,
D/O VAMADEVAN, GIREESHALAYAM, ALUMPEEDIKA MURI
CLAPPANA VILLAGE, ALUMPEEDIKA PO, OACHIRA
KOLLAM -690 547

BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR

RESPONDENTS/PETITIONERS:

1. SAJITHA.S, AGED 29 YEARS,
D/O SUDHA, PUTHENPURAYIL, ADINAD NORTH PO
KULASEKHARAPURAM VILLAGE, KARUNAGAPPALLY
KOLLAM-690 544
2. ADITHYAN, AGED 9 YEARS,
PUTHENPURAYIL, ADINAD NORTH P.O,
KULASEKHARAPURAM VILLAGE, KARUNAGAPPALLY
KOLLAM-690 544
REPRESENTED BY HIS MOTHER THE 1ST RESPONDENT

R1,R2 BY ADV. SRI.SIJU KAMALASANAN
R1,R2 BY ADV. SMT.S.SEETHA
BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P. (F.C.) No.353 of 2015

Dated this the 12th day of October, 2015.

ORDER

The first revision petitioner is the first respondent in M.C.No.205 of 2013 on the files of the Family Court, Chavara. He was directed to pay monthly maintenance of ₹3,500/- to the first respondent and ₹2,500/- to the second respondent herein.

2. Heard both sides.

3. The status of the first respondent as the wife and the second respondent herein as the minor child of the first revision petitioner is not disputed.

4. The first respondent contended that she was deserted by the first revision petitioner and thereafter, he refused to maintain the respondents. The second respondent was born on 2.6.2006. The first revision petitioner is getting an amount of ₹75,000/- per month from his employment in Gulf as a welder. The first respondent is not having any job

or income for the maintenance of the respondents.

5. The objection was filed on behalf of the first revision petitioner stating that the first respondent had left the house on her own volition and that she in fact deserted the first revision petitioner. The first revision petitioner was having only a meager salary in his employment in abroad.

6. Before the court below, PW1 was examined and Exts.A1 to A4 were marked for the first respondent herein. CPW1 was examined and Exts.B1 to B12 were marked for the first revision petitioner.

7. Even though PW1 stated that PW1 was treated with cruelty by the first revision petitioner, the first revision petitioner did not even enter into the box and deny the same. CPW1 is only the power of attorney of the first revision petitioner. The court below, after evaluating the evidence including Exts.A2 to A4, found that the first respondent was treated with cruelty by the first revision petitioner. From the evidence, the court below found that there was justification for

the respondents not to live with the first revision petitioner.

8. As regards the salary, the first revision petitioner produced Ext.B12 showing that the first revision petitioner was drawing a salary of only 85 Bahrain Dinar per month. However, Ext.B12 was issued 11 years prior to the examination of CPW1 before the court. The court below found that there was enhancement of salary during the past 11 years. However, no such certificate was produced by the first revision petitioner.

9. The court below, after evaluating the entire oral and documentary evidence, found that the revision petitioner was having the capacity to maintain the respondents. The court below also found that the first respondent is not having any source of income for her livelihood. The second respondent herein is a school going child. She requires money for her education and other welfare activities. Taking into consideration of the entire aspects of the case, including the status of the parties, needs of the respondents and the income

of the first revision petitioner, the court below directed the first revision petitioner to pay the maintenance as stated above.

No circumstance has been brought to my notice to indicate that the finding of the courts below is perverse or incorrect. In the said circumstances, I do not find any reason to interfere with the order impugned.

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

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl.

True Copy

PA to Judge