

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

RPFC.No. 367 of 2015 ()

ORDER IN MC 286/2013 OF FAMILY COURT, PALAKKAD

REVISION PETITIONER/RESPONDENT :

SIJIMON K.R., AGED 40 YEARS
S/O. LATE RAJAN K.V., KALATHUMPURATHU HOUSE, THYKODAM
VYTILA P.O., PIN-682 019.

BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA

RESPONDENTS/PETITIONERS :

1. DAIWIK, AGED 9 YEARS (MINOR)
S/O. SIJIMON, NOCHIPARAMBU, PUTHANTHARA
THIRUVAZHIYADU, AYILUR, PALAKKAD DISTRICT, PIN-688001.
REP. BY MOTHER SAJNA N.S., AGED 37 YEARS,
D/O. SWAMINADHAN, NOCHIPARAMBU, PUTHANTHARA
THIRUVAZHIYADU, AYILUR, PALAKKAD DISTRICT, PIN-688001.
2. DHANWIK (MINOR), AGED 5 YEARS (MINOR),
S/O. SIJIMON, REP. BY MOTHER SAJNA N.S., AGED 37 YEARS,
D/O. SWAMINADHAN, NOCHIPARAMBU, PUTHANTHARA
THIRUVAZHIYADU, AYILUR, PALAKKAD DISTRICT, PIN-688001.

R1-R2 BY ADV. SRI.M.B.SANDEEP
R1-R2 BY ADV. SMT.R.PRIYA
R1-R2 BY ADV. SRI.B.SURJITH
R1-R2 BY ADV. SMT.R.ANJANA
R1-R2 BY ADV. SRI.VIJU CHAKKALACKAN

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.367 of 2015

Dated this the 30th day of October, 2015

ORDER

The revision petitioner is the counter petitioner in M.C.No.286 of 2013 on the files of the Family Court, Palakkad. The revision petitioner was directed to pay an amount of ₹3,000/- to the first respondent and ₹2,000/- to the second respondent towards their monthly maintenance by the court below. Aggrieved by the said order, this revision petition has been filed.

2. Heard both sides.

3. The status of the respondents herein as the children of the revision petitioner is not disputed. It is also not disputed that the respondents started residing with their mother from 17.2.2013 onwards. The respondents would contend that the revision petitioner neglected to maintain the respondents from 17.2.2013 onwards. The respondents herein are unable to maintain themselves. The revision petitioner is

working as a Credit Manager in Muthoot Fincorp Limited, getting ₹25,000/- per month. He is bound to maintain the respondents herein.

4. The revision petitioner contended that he is working as a Credit Officer and not as a Credit Manager in Muthoot Fincorp Limited. He is drawing only a monthly salary of ₹ 20,472/-. The mother of the respondents herein is working as a Lecturer in MES College, drawing a monthly salary of ₹ 25,000/-. She is bound to look after the respondents. She is also getting an amount of ₹6,00,000/- per year from the landed properties. The revision petitioner is ready to give maintenance allowance to the respondents.

7. Before the court below, PW1 was examined for the respondents herein. CPW1 was examined and Ext.D1 was marked for the revision petitioner.

8. The evidence of CPW1 coupled with Ext.D1 would show that the revision petitioner is getting only a salary of ₹ 20,472/- per month. PW1 admitted that she is working as a

Lecturer. The court below found that the revision petitioner had agreed to give maintenance allowance to the respondents, even though he did not state about the quantum of maintenance. The respondents are admittedly students.

9. It has been argued by the learned counsel for the revision petitioner that since PW1 is having sufficient income to maintain the respondents, the amount of maintenance ordered by the court below is on higher side. No document was produced by the revision petitioner to prove the salary of the revision petitioner. Even though, PW1 stated that she is not drawing ₹25,000/-as salary as contended by the revision petitioner, no document was produced by the respondent herein to prove the salary and employment of the mother of the respondent herein. The court below after considering the status of the parties, the income of the mother of the respondents and the needs of the respondents, awarded maintenance as stated above.

10. Considering the facts and circumstances of the case,

I am of the view that the quantum of monthly maintenance ordered by the court below can be modified and reduced to ₹ 2,000/- each to each of the respondents herein, to secure the ends of justice and accordingly, I order so.

In the result, this revision petition stands allowed in part, modifying and reducing the quantum of maintenance ordered by the court below as stated above. This order will not preclude the parties from approaching the court below under Section 127 Cr.P.C. for modification of the order by producing documentary evidence with regard to the salary of the parties.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

ScI/30.10.2015

True Copy

PA to Judge