

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

RPFC.No. 390 of 2015 ()

MC 42/2013 of FAMILY COURT, MAVELIKKARA

REVISION PETITIONER/RESPONDENT:

BABU
REMYALAYAM VEETIL, PAVUMBA NORTH MURI
PAVUMBA VILLAGE, KARUNAGAPPALLY TALUK.

BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SRI.P.J.JOE PAUL

RESPONDENT/PETITIONER:

VIDYA
MINOR AGED 14, KALATHINTE PADEETTATHIL VEETIL
MEKKUM MURI, THAMARAKULAM VILLAGE
MAVELIKARA TALUK-690 530
REPRESENTED BY HER MOTHER AND GUARDIAN SANTHINI
KALATHINTE PADEETTATHIL VEETIL, MEKKUM MURI
THAMARAKULAM VILLAGE, MAVELIKARA TALUK.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.390 of 2015

Dated this the 3rd day of November 2015

O R D E R

The revision petitioner is the respondent in M.C. No.42 of 2013 on the files of the Family Court, Mavelikkara. The revision petitioner was directed to pay an amount of Rs.5,000/- per month to the respondent by the court below towards her maintenance.

2. Heard.

3. The mother of the respondent was having illicit relationship with the revision petitioner from September 1999 till December 2000. In that relationship, the respondent was born on 23.10.2000. The respondent

would contend that the revision petitioner refused to maintain her from December 2000 onwards. The revision petitioner was employed abroad, earning Rs.50,000/- per month. The respondent or her mother is not having any source of income for the livelihood of the respondent.

4. The revision petitioner denied the paternity of the child. However, PW1 consented during her examination that she was prepared for a D.N.A. test to prove the paternity of the child. Thereafter, she filed an application before the court below praying for subjecting the revision petitioner and the child to D.N.A. Test. The said application was allowed by the court below. The court below directed the revision petitioner to appear for D.N.A. Test. However, the revision petitioner did not appear for the Test. The order passed by the court below

was challenged before this Court. A Division Bench of this Court, vide order dated 26.11.2014 in O.P.(F.C.) No.507 of 2014, confirmed the order passed by the court below. However, the revision petitioner was not willing for the D.N.A. Test. He also stated before the court below that he was not ready for the D.N.A. Test. In view of the above reasons, the court below accepted the contention and evidence of PW1 that the revision petitioner is the father of the child.

5. It is true that PW1 was married earlier. However, she stated that the said marriage was during 1990 and it subsisted only for three years. During the said period, she gave birth to a child. Thereafter, she was abandoned by her husband in the year 1993. Having gone through the relevant inputs, I do not find any reason to take a different

view regarding the paternity of the respondent. Since the respondent is the minor illegitimate daughter of the revision petitioner, he is bound to maintain her in view of the provisions of Section 125(1)(b) of the Code.

6. The respondent would contend that the revision petitioner was working abroad. The revision petitioner would contend that he came back from abroad and started a business here. As the said business was in loss, it was closed down. The revision petitioner is not having any employment at present. However, to a specific question to the revision petitioner during his cross-examination as to whether he was getting a monthly income of Rs.50,000/- from his work at abroad, he stated that he was not having so much income. However, at that time, he did not deny that he was working abroad. There is no contention that

the revision petitioner is having any ailment and due to that ailment, he is unable to do any work. Taking into consideration of the entire aspects, including the needs of the respondent and the probable income of the revision petitioner, the court below directed the revision petitioner to pay the maintenance as stated above. The quantum of maintenance awarded by the court below does not appear to be excessive or unreasonable. No circumstance has been brought to my notice by the learned counsel for the revision petitioner to hold that the order impugned suffers from any infirmity warranting interference by this court.

In the result, this revision petition stands dismissed.

Sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/3.11.2015