

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

RPFC.No. 395 of 2015 ()

ORDER IN MC 61/2013 OF FAMILY COURT, OTTAPPALAM

REVISION PETITIONER/RESPONDENT:-:

ABDUL AZEEZ, AGED 45 YEARS
S/O.POCKER, MANKADAKUZHIIYIL HOUSE, ARIYOOR P.O.
PIN - 678 583.

BY ADVS.SRI.C.M.KAMMAPPU
SRI.MANSOOR.B.H.

RESPONDENTS/PETITIONERS:-:

1. NASEEMA, AGED 32 YEARS
D/O.ABDUL, MALAYAKULAVAN, VENDAKURISSI
CHANGALEERI P.O., MANNARKKAD, PIN - 678 762.
2. RASHID (MINOR), AGED 17 YEARS
3. RAFEEQUE (MINOR), AGED 15 YEARS
4. RAMSHEENA (MINOR), AGED 13 YEARS
(RESPONDENTS 2 TO 4 ARE MINORS
REPRESENTED BY FIRST RESPONDENT BY GUARDIAN/MOTHER).

R1-R4 BY ADV. SRI.P.JAYARAM

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.395 of 2015

Dated this the 17th day of November, 2015

ORDER

The revision petitioner is the respondent in M.C.No.61 of 2013 on the files of the Family Court, Ottapalam. The revision petitioner was directed to pay an amount of ₹2,000/- to the first respondent and ₹1,000/- each to each of the other respondents herein towards their monthly maintenance.

2. Heard both sides.

3. It is not disputed that there was a previous petition for maintenance, namely, M.C.No.73 of 2002, wherein an order was passed to pay maintenance at the rate of ₹5,00/- per month to the first respondent and ₹300/- per month each to each of the other respondents. The revision petitioner filed the present M.C. praying for enhancement of maintenance on account of the escalation in cost of living, including the educational expenses of the children.

4. Before the court below, PW1 was examined and

Ext.P1 was marked for the respondents herein and RW1 was examined for the revision petitioner.

5. The respondents would contend that the revision petitioner is conducting contract work. He is also having slaughter tapping, earning ₹1,50,000/- per year as income.

6. The revision petitioner, on the other hand, would contend that he is a coolie, earning only an amount of ₹3,000/- per month.

7. The respondent Nos.2 to 4 are the children studying in the school. They need money for their education and other welfare activities. The second respondent is studying in 10th standard, the third respondent is studying in 9th standard and the fourth respondent is studying in 5th standard. Even though RW1 contended that the revision petitioner is a coolie, earning only an amount of ₹3,000/- per month, the court below did not accept the same. The court below found that the revision petitioner is an able bodied person and hence the revision petitioner is bound to maintain the respondents. Even otherwise, it is beyond the prudence to conceive that a coolie

gets only an amount of ₹3,000/- per month.

8. Having regard to the needs of the respondents, the escalation in cost of living and the probable income of the revision petitioner, the court below directed the revision petitioner to pay maintenance as stated above. The maintenance ordered by the court below is not exorbitant or unreasonable.

Having gone through the order impugned, I do not find any reason to hold that the order impugned suffers from any infirmity, warranting interference by this Court.

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

However, the revision petitioner is granted two months to pay the entire arrears of maintenance as requested by the learned counsel for the revision petitioner.

Sd/-

B. SUDHEENDRA KUMAR
JUDGE

Scl.

True Copy

PA to Judge