

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. 400 of 2015 ()

MC 57/2013 of FAMILY COURT, OTTAPPALAM

REVISION PETITIONER/RESPONDENT:

JANARDHANAN
AGED 59 YEARS, S/O.SANKARAN, CHALISSERY
(PO) CHALISSERYPATTAMBI, PALAKKAD DISTRICT
PIN 679 536.

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S)/PETITIONERS:

1. RUGMINI
AGED 54 YEARS, W/O.JANARDHANAN, PANTHARIKKUNNATH HOUSE
EZHUUVANTHALA AMSOM, IRUMBULASSERY DESOM
OTTAPALAM TALU (POST) NELLAYA, (VIA), CHERPULASSERY
PIN. 679 335.
2. JITHESH (PHYSICALLY DISABLED)
S/O.RUGMINI (2ND RESPONDENT REP. BY MOTHER AND
GUARDIAN THE 1ST RESPONDENT RUGMINI)
CHERPULASSERY POLICE STATION LIMIT

R1 & R2 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:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.400 of 2015

Dated this the 17th day of November 2015

ORDER

The revision petitioner is the respondent in M.C. No.57 of 2013 on the files of the Family Court, Ottapalam. The revision petitioner was directed to pay Rs.3,000/- per month to the first respondent herein towards her maintenance. Aggrieved by the said order, this revision petition has been filed.

2. The first respondent would contend that she is not having any job or source of income for her livelihood. The revision petitioner is a Central Government employee, earning Rs.25,000/- per month.

3. Eventhough the first respondent contended that she is not having any job or source for income, Ext.X1 would show that she is doing tailoring work, earning Rs.8,000/- per month. The said document was called for after the examination of PW1. Therefore, PW1 was not confronted with the said document. It has been submitted by the learned counsel for the first respondent that the details in Ext.X1 were given only for the purpose of availing a loan.

4. The learned counsel for the revision petitioner has submitted that eventhough the salary of the revision petitioner is shown as Rs.16,521/- by the court below, the net salary of the revision petitioner, after the deductions, is far less than the said amount and in the said circumstances, the learned counsel has pleaded for granting an opportunity to adduce further evidence to prove the same. Having gone

through the materials, I am of the view that it is only just and proper to grant an opportunity to the first respondent to adduce further evidence in the light of Ext.X1 to prove that she is not employed. The revision petitioner shall also be granted an opportunity to prove his net income. For the said reasons, I am inclined to remit the matter to the court below.

In the result, this revision petition stands allowed setting aside the order impugned and the matter is remitted to the court below for passing order afresh in the matter, in accordance with law, affording reasonable opportunity to both sides to substantiate their contentions, as expeditiously as possible and at any rate, within four months from the date fixed for the appearance of the parties before the court below. The parties shall appear

before the court below on 15.12.2015.

The revision petitioner shall deposit Rs.25,000/- towards the interim maintenance, before the court below within ten days from the date fixed for the appearance of the parties before the court below. If the amount is deposited, the first respondent shall be at liberty to withdraw the same from the court below.

SD/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/19.11.2015

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PA to Judge