

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

RPFC.No. 407 of 2015 ()

ORDER IN MC 74/2012 OF FAMILY COURT, KASARAGOD

REVISION PETITIONER:

HEMANTH SUVARNA, S/O. LINGAPPA BANGERA,
ROOM NO.C/22, SAINATH CHAWUL POWER COLONY,
PAROL ROAD, KONIGADH BHIVANDI, THANE-421 302.

BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON

RESPONDENT:

ROHINI, AGED ABOUT 48 YEARS,
W/O. HEMANTH SUVARNA, R/AT JAYANAGAR HOUSE,
MULINJA VILLAGE, P.O.UPPALA,
KASARAGOD TALUK AND DISTRICT.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No. 407 of 2015

Dated this the 13th day of November, 2015

ORDER

The revision petitioner is the respondent in M.C.No.74 of 2012 on the files of the Family Court, Kasaragod. The revision petitioner was directed by the court below to pay an amount of ₹3,000/- towards the monthly maintenance of the respondent herein.

2. Heard the learned counsel for the revision petitioner.

3. The status of the respondent as the wife of the revision petitioner is not disputed.

4. The respondent herein earlier filed M.C.No.45 of 1992 for maintenance. The said M.C. was settled for a sum of ₹300/- per month. The present M.C. was filed by the respondent herein seeking for enhancement of the maintenance to cope with the present day to day expenses.

5. The respondent herein would contend that the

revision petitioner is getting ₹60,000/- per month as salary from his employment in Mumbai.

6. The revision petitioner would contend that the revision petitioner is not getting ₹60,000/- as salary from the job in Mumbai. The revision petitioner had retired from the service on 22.6.2013 and presently he is getting only an amount of ₹1,560/- per month as pension. The revision petitioner is not having any other source of income and in the said circumstances, the revision petitioner is not a position to pay enhanced maintenance to the respondent.

7. Before the court below, PW1 was examined for the respondent. RW1 was examined and Ext.B1 was marked for the revision petitioner.

8. The learned counsel for the revision petitioner has submitted that the revision petitioner is getting only an amount of ₹6,500/- as pension after his retirement from a private institution and hence, he is not a position to pay the enhanced maintenance ordered by the court below.

9. The court below, after evaluating the evidence of

RW1 and Ext.B1, came to the conclusion that Ext.B1 would show only the wages as on the date of retirement, without including the other allowances. It was further observed by the court below that the revision petitioner did not prove the actual amount he is getting as pension.

Taking into consideration of the facts and circumstances of the case, including the status of the parties, the needs of the respondent and the probable income of the revision petitioner, the court below fixed the monthly maintenance at ₹ 3,000/-. The above said amount ordered by the court below does not appear to be exorbitant or unreasonable. No circumstance has been brought to my notice to indicate that the order impugned suffers from any infirmity, warranting interference by this Court.

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

Sd/-

B. SUDHEENDRA KUMAR
JUDGE

ScI/13.11.2015

True Copy

PA to Judge