

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

RPFC.No. 414 of 2015 ()

ORDER IN MC 22/2013 OF FAMILY COURT, OTTAPPALAM

REVISION PETITIONER(S)/RESPONDENT:

P.A.JOSE, AGED 48 YEARS
S/O.ABRAHAM, PALAKKAL VEEDU, CHALIPPADAM
ROSE PARK, WADAKKANCHERY, THRISSUR
PIN 680 582

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

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1. JANSAMMA THOMAS, AGED 45 YEARS
D/O. THOMAS, PUTHIYAPARAMBIL HOUSE, PAYYANEDAM P.O
MALLAMBADAM AMSOM, PIN 678 583
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SRI.K.MOHANAKANNAN
R1 BY ADV. SMT.A.R.PRAVITHA
R BY PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.414 of 2015

Dated this the 16th day of November, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.22 of 2013 on the files of the Family Court, Ottapalam. The revision petitioner was directed to pay ₹5,000/- to the first respondent towards her monthly maintenance.

2. Heard.

3. The status of the first respondent as the wife of the revision petitioner is not disputed. It is also not disputed that the first respondent was suffering from Scheroderma.

4. The first respondent would contend that the revision petitioner is doing business, earning more than ₹1,00,000/- per month.

5. The revision petitioner would contend that the revision petitioner was having a cardiac surgery and hence he is not able to do any work.

6. Before the court below, PW1 was examined and

Exts.P1 to P44 were marked for the respondent herein. RW1 was examined and Exts.D1 to D4 were marked for the revision petitioner.

7. The revision petitioner challenges only the quantum of maintenance ordered by the court below. It is not disputed that the first respondent is not having any job or source of income for her livelihood. The first respondent is also not having any property at present in her name.

8. The evidence of RW1 would show that RW1 is doing the business of forest products. It is a family business. According to him, huge amount is required for his treatment. But it is admitted by RW1 that the treatment of the first respondent requires huge amount. The evidence of PW1 coupled with Exts.P1 to P14 would show that the illness of the first respondent is very severe and huge amount is necessary for her treatment. The court below found that even though the revision petitioner had heart operation, there is nothing on record to show that the revision petitioner is incapable of doing the business. Taking into consideration of the evidence

available in the case, the court below found that the revision petitioner is having sufficient income to maintain the first respondent. The court below further found that the first respondent requires huge amount for her treatment.

8. Taking into consideration of the needs of the first respondent and also the probable income of the revision petitioner, the court below fixed the quantum of maintenance as stated above. The quantum of maintenance awarded by the court below is not 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.

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

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

R.P.(F.C.) No.414 of 2015

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ScI/16.11.2015