

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. 415 of 2015 ()

AGAINST THE ORDER IN MC 499/2015 of FAMILY COURT, THRISSUR
DATED 05-06-2015

REVISION PETITIONER(S)/RESPONDENT:

JOSON, S/O.JOSEPH AGED 36 YEARS
ELUVATHINGAL KOONAN HOUSE, IRINJALAKUDA
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO

RESPONDENT(S)/PETITIONER:

1. SHARI THOMAS, D/O.THOMAS, AGED 26 YEARS
D/O.THOMAS, MALIYEKKAL HOUSE, KOKKALAI DESOM
THRISSUR VILLAGE, THRISSUR TALUK
THRISSUR DISTRICT-680001.

2. JOHN PAUL JOSON
S/O.JOSON, 3 1/2 YEARS, NOW RESIDING AT SHARI THOMAS
AGED 26, D/O.THOMAS, MALIYEKKAL HOUSE
KOKKALAI DESOM, THRISSUR VILLAGE, THRISSUR TALUK
THRISSUR DISTRICT, 680001.

FOR R1 & 2 ADV. SRI.SANTHOSH P.PODUVAL, ADV.
SMT.R.RAJITHA & ADV. SMT.VINAYA V.NAIR

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

B. SUDHEENDRA KUMAR, J.

.....
RP (F C) No. 415 of 2015
.....

Dated this the 16th day of November, 2015

ORDER

The revision petitioner is the respondent in MC No. 499 of 2015 on the files of the Family Court, Thrissur, who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay a monthly maintenance of Rs. 4,000/- to the first respondent and Rs. 2,500/- to the 2nd respondent herein.

2. Heard the learned counsel for the revision petitioner.

3. The learned counsel for the revision petitioner has argued that the quantum of maintenance ordered by the court below is excessive. It is admitted that the first respondent is the wife and the 2nd respondent is the minor son of the revision petitioner. The first respondent would contend that the revision petitioner refused to maintain the respondents from 28-08-2012 onwards. According to the first respondent, she is not having any employment or source of income for her livelihood. The first respondent would contend that the revision petitioner is having employment as a Sales Manager in British Doufeld Water Purifying Company, earning a monthly income of Rs. 25,000/-.

The revision petitioner would contend that the first respondent is a teacher from which she is getting income for her maintenance. The revision petitioner would further contend that he is getting only Rs. 5,000/- from his employment in the above said Company.

4. Before the court below, PW1 was examined and Ext. P1 was marked for respondent Nos. 1 and 2 herein. RW1 was examined and Exts. D1 to D9 were marked for the revision petitioner.

5. The evidence of PW1 coupled with Ext. P1 would show that the first respondent is presently a student of M.Ed Course. Eventhough the revision petitioner would contend that the petitioner is taking tuition and earning money, the evidence of RW1 himself would show that he never had occasion to see PW1 taking tuition. The Court below found that there is nothing on record to show that PW1 is having any job or income. The revision petitioner is having M.A.,B.Ed as his educational qualification. He also completed ITC course and Hindi Visarad. He is a Pan Card holder. He is presently doing M.Ed Course. He has to look after his ailing parents. Taking into consideration of the entire facts and circumstances, the court below disbelieved the evidence of RW1 that RW1 was getting only an amount of Rs. 5,000/- per month as income as the said amount was not sufficient to meet the treatment of his parents and for studying

R.P. (FC) No.415 of 2015

M.Ed Course. That apart, RW1 is a qualified person having 6 years experience in the Company. In the said circumstances, the court below did not accept Ext. D5 as the salary of the revision petitioner. Taking into consideration of the facts and circumstances of the case, the court below fixed the salary of the revision petitioner at Rs. 15,000/- per month. Considering the needs of the respondents herein, the status of the parties and the probable income of the revision petitioner, the court below fixed the quantum as stated above.

6. Having gone through the relevant inputs, I am of the view that the quantum of maintenance ordered by the court below cannot be said to be unreasonable or excessive. In the said circumstances, I find no reason to interfere with the order passed by the court below.

In the result, this Revision Petition (FC) stands dismissed.

Sd/-B. SUDHEENDRA KUMAR,
JUDGE.

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P.S. To Judge

R.P. (FC) No.415 of 2015

The following sentence is added to the final order dated 16-11-2015 in R.P. (FC) No. 415/2015 as per order dated 4-12-2015 in R.P. (FC) No. 415 of 2015.

“The revision petitioner is granted six months to pay the arrears of maintenance, as prayed for, by the learned counsel for the revision petitioner”.

Sd/- Registrar (Judicial)