

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

RPFC.No. 420 of 2015 ()

ORDER IN MC 356/2013 OF FAMILY COURT, PALAKKAD

REVISION PETITIONER(S)/COUNTER PETITIONER:

KRISHNADAS, AGED 33 YEARS
S/O.RAMACHANDRAN, MANIYANKODE VEEDU, MANNUR POST
PALAKKAD - 678 642.

BY ADVS.SRI.K.MANOJ CHANDRAN
SRI.P.R.AJITHKUMAR

RESPONDENT(S)/PETITIONER AND NOT PARTY BEFORE THE

FAMILY COURT.:

1. VINITHA K.K, AGED 25 YEARS
W/O.KRISHNADAS, D/O.KRISHNANKUTTY, KUNDUKAD VEEDU
POOTHANUR, MUNDUR, PALAKKAD - 678 001.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 31.

R1 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
R BY PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.420 of 2015

Dated this the 18th day of November, 2015.

ORDER

The revision petitioner is the counter petitioner in M.C.No.356 of 2013 on the files of the Family Court, Palakkad. The revision petitioner was directed to pay ₹3,000/- per month towards the monthly maintenance of the first respondent herein.

2. Heard both sides.

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

4. The only challenge in this revision petition is with regard to the quantum of maintenance ordered by the court below. It is proved that PW1 is having no job or source of income for her livelihood. The first respondent herein contended before the court below that the revision petitioner is

getting ₹25,000/- per month from his job as a welder. However, no document was produced by the first respondent to prove the same. Therefore, the court below did not act upon the evidence of PW1 in this regard. CPW1 is the revision petitioner. He stated that he is getting only ₹200/- per day as income from his job as a helper under a painter. CPW1 admitted that he is getting job for 20-25 days every month. The court below found that the revision petitioner is an able bodied person. The evidence of CPW1 that he is getting only ₹ 200/- per day from his job as a helper under a painter, cannot be swallowed without much difficulty.

5. Taking into consideration of the status of the parties, the needs of the respondents and the probable income of the revision petitioner, the court below directed the revision petitioner to pay the maintenance as stated above.

The quantum of maintenance ordered by the court below is not exorbitant or unreasonable. 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.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Sc/18.11.2015

True Copy

PA to Judge