

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

RPFC.No. 435 of 2015 ()

ORDER IN MC 193/2013 OF FAMILY COURT, KANNUR

PETITIONER/RESPONDENT:

HARIS C.K., AGED 39 YEARS,
S/O.KAMAL(LATE), CHERIYALAN KANDI HOUSE,
KURUMATHUR.P.O, KURUMATHUR VILLAGE, TALIPARAMBA TALUK
KANNUR DISTRICT.

BY ADV. SRI.B.PREMNATH (E)

RESPONDENTS/PETITIONERS:

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1. RASHEEDA C, AGED 26 YEARS
W/O.HARIS.C.K, CHAKKENTAKATH HOUSE, NADUVIL.P.O
NEW NADUVIL AMSOM, TALIPARAMBA TALUK, KANNUR-670582.
 2. ISHAN.C,
S/O.HARIS.C.K, AGED 3½ YEARS, MINOR
REPRESENTED BY HIS MOTHER AND LEGAL GUARDIAN IST RESPONDENT
RASHEEDA.C.

R1 BY ADV. SRI.P.NARAYANAN

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.435 of 2015

Dated this the 20th day of November, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.193 of 2013 on the files of the Family Court, Kannur. The revision petitioner was directed by the court below to pay ₹3,000/- per month to the first respondent and ₹2,000/- per month to the second respondent herein towards their maintenance.

2. Heard both sides.

3. The only challenge in this revision petition is with regard to the quantum of maintenance awarded by the court below.

4. The respondents produced Exts.A6 and A7 to prove that the revision petitioner is having ownership over an extent of 1.34 cents of property. The revision petitioner produced Exts.B1 and B2 to show that the first respondent is having ownership over one acre of landed property. Apart from the *ipse dixit* of the parties, there is absolutely no material before

the court to indicate that the property in the name of the revision petitioner or the property in the name of the first respondent yields any income.

5. There is no evidence before the court to indicate that PW1, who is the first respondent herein, is having any job or source of income for her livelihood. RW1 stated that RW1 is a coolie worker, having no permanent job. However, the income of the revision petitioner is not stated by RW1. The first respondent herein would contend that the revision petitioner is conducting a Fancy Store in Kannur, drawing an income of ₹3 lakhs per annum. He is also getting an amount of ₹2,50,000/- from the landed properties in every year. However, there is no material before the court to substantiate the said contention of the first respondent herein. In the said circumstances, the court below rightly declined to accept the said contention of the first respondent. There is absolutely no evidence with regard to the income of the revision petitioner. Since the revision petitioner himself admitted that he is a coolie, he must get at least an amount of ₹500/- per day. The

second petitioner is a child, who requires money for his education and welfare activities.

6. Considering the status of the parties, the needs of the respondents herein and also taking into consideration of the probable income of the revision petitioner, the court below directed the revision petitioner to pay 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 two months to pay the entire arrears of maintenance as requested by the learned counsel for the revision petitioner.

Sd/-

B. SUDHEENDRA KUMAR
JUDGE

Scl/20.11.2015

True Copy

PA to Judge