

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

RPFC.No. 436 of 2015 ()

MC 8/2014 OF FAMILY COURT, NEDUMANGAD

REVISION PETITIONER/RESPONDENT:

AJI STUART, AGED 33 YEARS,
A.S. HOUSE, ARUTHALAMPADU, KONNIYOOR
PUNALAL PO, PERUMKULAM, NEDUMANGAD-695 575.

BY ADVS.SRI.T.B.HOOD
SMT.M.ISHA

RESPONDENT/PETITIONER:

DEEPA S.S, AGED 31 YEARS
SUPRABHA, PLAVARA, PACHA PO
PALODE, THIRUVANANTHAPURAM-695 562.

BY ADV. SRI.LATHEESH SEBASTIAN

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No. 436 of 2015

Dated this the 24th day of November, 2015.

ORDER

The revision petitioner is the respondent in M.C.No.8 of 2014 on the files of the Family Court, Nedumangad. The revision petitioner was directed by the court below to pay ₹7,000/- per month to the respondent towards her maintenance. Aggrieved by the said order, this revision petition has been filed.

2. Heard both sides.

3. The only challenge advanced by the learned counsel for the revision petitioner is the quantum of maintenance ordered by the court below.

4. The evidence would show that the respondent is not having any job or source of income for her livelihood. The respondent would contend that the revision petitioner is a real-estate businessman, getting a monthly income of ₹50,000/-.

5. The revision petitioner on the other hand would

contend that he is not having any job. He is also not an able bodied person. The court below considered Exts.R1, R2 and R4 medical records and found that there was nothing in the said documents to indicate that the revision petitioner is unable to do any work. CPW1 admitted that he married again. The further evidence of CPW1 is that PW1 did not marry again. Since the court below found that the revision petitioner was an able bodied person, the court below was satisfied that the revision petitioner was capable of maintaining PW1. Accordingly, the court below directed the revision petitioner to pay maintenance as stated above. It is in the evidence of PW1 that she requires more than ₹3,000/- per month for her expenses. Considering the facts and circumstances of the case, I am of the view that the maintenance ordered by the court below is on higher side.

Taking into consideration of the evidence of PW1 and the probable income of the revision petitioner, I am of the view that the quantum of maintenance ordered by the court below

can be modified and reduced to ₹4,000/- per month from the date of petition.

In the result, this revision petition stands allowed in part, modifying the order in M.C.No.8 of 2014 dated 3.9.2014 as above.

Needless to say that this order will not take away the right, if any, of the parties, in approaching the court below under Section 127 Cr.P.C. if situation warrants. The revision petitioner is granted one month to pay the entire arrears of maintenance amount, as requested by the learned counsel for the revision petitioner.

Sd/-

B. SUDHEENDRA KUMAR
JUDGE

Scl/24.11.2015

True Copy

PA to Judge