

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. 439 of 2015 ()

MC 220/2014 OF FAMILY COURT, KOZHIKODE

REVISION PETITIONER(S):

BEERAN KOYA HAJI, AGED 70 YEARS
S/O. KASIM, THENDIYANKAVE HOUSE,
P.O. KADALUNDI, KOZHIKODE
PIN: 673 302 (BEYPORE PSL)

BY ADVS.SRI.PULIKKOOL ABUBACKER
SMT.REHANA SHUKKUR
SMT.A.P.RUFALJA

RESPONDENT(S):

SMT.NABEESA, AGED 48 YEARS,
W/O. BEERAN KOYA HAJI,
VALIYAKUNDAVIL HOUSE,
P.O. MAYANAND, KOZHIKODE
PIN: 673 008 (MEDICAL COLLEGE PSL)

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. 439 of 2015

Dated this the 24th day of November, 2015

ORDER

The revision petitioner is the respondent in M.C.No.220 of 2014 on the files of the Family Court, Kozhikode. The revision petitioner was directed by the court below to pay ₹3,000/- per month to the respondent herein, who is the divorced wife of the revision petitioner. Aggrieved by the said order, this revision petition has been filed.

2. Heard the learned counsel for the revision petitioner.

3. It is admitted that the marriage between the revision petitioner and the respondent was on 26.9.2013. The respondent herein filed the above M.C. under Section 125 Cr.P.C. before the court below on 25.9.2014 for maintenance. The respondent alleged that the revision petitioner had illicit relationship with another lady. The respondent is not having any job or any source of income for her livelihood. The

revision petitioner is having landed properties, from which he is getting good income. He is also having huge amount in his bank account.

7. Before the court below, the respondent herself was examined as PW1. The revision petitioner was examined as RW1 and Ext.B1 was marked for the revision petitioner.

8. There is no dispute with regard to the status of the parties. Even though there is no document before the court to prove the talaq, the evidence of PW1 and RW1 would show that PW1 was divorced by RW1 by pronouncing talaq on 29.11.2014, which was after filing of the present M.C. It is admitted that the respondent was not given any amount as required under the personal law of the parties. RW1 stated that he is a pensioner, having only Rs.1,000/- per month as income. PW1 stated that RW1 is having bank deposit to the tune of Rs.20 lakhs. RW1 admitted that he is having bank account. However, he denied that he was having any such deposit in Kadalundi Branch of Canara Bank as stated by PW1. PW1 also stated that he is getting interest from the said

amount, which was also denied by RW1. However, the details of the bank account were not produced by the revision petitioner before the court to prove that no such deposit was there in the bank. The evidence would show that the respondent is having no source of income for her livelihood.

Taking into consideration of the entire evidence, the court below found that the revision petitioner was having the capacity to maintain the respondent herein. Accordingly, the court below directed the revision petitioner to give maintenance as stated above. The quantum of maintenance ordered 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.

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

ScI/24.11.2015

True Copy

PA to Judge