

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

RPFC.No. 442 of 2015 ()

MC 425/2013 of FAMILY COURT, ATTINGAL

REVISION PETITIONER/RESPONDENT:

NIJAS A.R., S/O.ABDUL RASHEED, MARAKKAN VILAKOM, PUTHUKURICHI P.O.
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM TALUK
RERPESENTED BY POWER OF ATTORNEY HOLDER, JALALUDHEEN
S/O.MOHAMMED SALI, THERUVIL THAIVILAKOM
PUTHUKURICHY P.O., KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM.

BY ADV. SRI.M.DINESH

RESPONDENTS/PETITIONERS:

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1. SHAMEERA
D/O.KHUREISHI, SHAJEERA MANZIL, PUTHUKURUCHI
KADINAMKULAM, THIRUVANANTHAPURAM.
 2. AALIYA NIJAS, AGED 6 YEARS(REP. BY MOTHER SHAMEERA)
REP.BY MOTHER SHAMEERA, S/O.NIJAS, SHAJEERA MANZIL
PUTHUKURUCHI, KADINAMKULAM, THIRUVANANTHAPURAM
695102.
 3. FIDA NIJAS, AGED 4 YEARS(REP. BY MOTHER SHAMEERA)
REP.BY MOTHER SHAMEERA, D/O.JIJAS, SHAJEERA MANZIL
PUTHUKURUCHI, KADINAMKULAM, THIRUVANANTHAPURAM
695102.

R1-R3 BY ADV. SRI.G.P.SHINOD
R1-R3 BY ADV. SRI.RAM MOHAN.G.
R1-R3 BY ADV. SRI.MANU V.
R1-R3 BY ADV. SRI.GOVIND PADMANAABHAN
R1-R3 BY ADV. SRI.AJIT G.ANJARLEKAR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.442 of 2015

Dated this the 1st day of December 2015

O R D E R

The revision petitioner is the respondent in M.C. No.425 of 2013 on the files of the Family Court, Attingal. The court below directed the revision petitioner to pay Rs.5,000/- each to each of respondent Nos.2 and 3 as their monthly maintenance.

2. Heard.

3. The status of the first respondent as the wife and respondent Nos.2 and 3 as the minor children of the revision petitioner, is not disputed. The only dispute in this revision petition is with regard to the quantum of

maintenance awarded by the court below. The first respondent would contend that she is not having any source of income for the maintenance of respondent Nos.2 and 3. The revision petitioner is working abroad earning Rs.1,50,000/- per month.

4. The first respondent was examined as PW1 and the revision petitioner was examined as RW1. The evidence of PW1 would show that PW1 does not have any job or source of income for her livelihood. However, she admitted that she received customary amount after talak. Therefore, she was not granted any maintenance by the court below. The 2nd respondent is aged six years and the 3rd respondent is aged four years. They are studying in schools. They require at least Rs.2,000/- per month

towards their quarterly school fees.

5. RW1 would contend that he is not having monthly income of Rs.20,000/- from his job. However, no authenticated document has been produced to prove the income of RW1.

6. The court below found that the revision petitioner is having adequate income for the maintenance of respondent Nos.2 and 3. Exts.A1 and A2 would show that an amount of Rs.2,000/- is to be paid as the school fees for the children. No other material is produced before the court to show any further expense for the children. Taking into consideration of the needs of the respondent Nos.2 and 3, the probable income of the revision petitioner and the status of the parties, I am of the view that the maintenance awarded by

the court below can be modified and reduced to an amount of Rs.4,500/- per month to each of respondent Nos.2 and 3, to meet the ends of justice, and accordingly I order so.

In the result, this revision petition stands allowed in part as above.

The revision petitioner is granted one month to pay the arrears of maintenance.

SD/
B.SUDHEENDRA KUMAR,
JUDGE

dl/2.12.2015

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PA to Judge