

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. 88 of 2014 ()

AGAINST THE ORDER IN MC 57/2011 of FAMILY COURT, PALAKKAD
DATED 11-04-2013

REVISION PETITIONER(S)/RESPONDENT:

RAMESH K.
S/O.LATE KANDAMUTHAN, UNNACHANPURA, THEKKONI
KOTTEKKAD.P.O, PALAKKAD-678732.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT(S)/PETITIONER:

BEENA
D/O.K.KRISHNAN(KITTU), PREETHA HOUSE, KANJURAM KANNAM
KODUMBU POST, PALAKKAD-678551.

R1 BY ADV. SRI.T.K.SANDEEP

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY
HEARD ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B. SUDHDEENDRAKUMAR, J.

.....

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Dated this the 20th day of November, 2015

ORDER

The revision Petitioner is the counter petitioner in MC No. 57 of 2011 on the files of the Family Court, Palakkad. The revision petitioner was directed to pay Rs. 3,000/- per month to the respondent towards her maintenance.

2. The marriage between the revision petitioner and the respondent is not disputed. The respondent would contend that the marriage could not be consummated as the revision petitioner was impotent. However, she advised the revision petitioner to consult with a doctor. But, instead of consulting with the doctor, the revision petitioner used to harass the respondent

amidst his family members even for petty things. He also started treating her with cruelty. Therefore, she was compelled to leave the residence of the revision petitioner.

3. The revision petitioner simply denied the contentions of the respondent. The revision petitioner contended that the respondent used to quarrel with the revision petitioner and she left the matrimonial home saying that she wanted to have treatment for frequent abdominal pain. She also wants to do poojas.

4. The court below, after evaluating the evidence of PW1 and RW1, came to the conclusion that there is sufficient justification for the respondent to leave the company of the revision petitioner.

5. PW1 stated that the revision petitioner used to run away from the house during night saying that he wanted to die. There was occasion for the revision petitioner to press the neck of the respondent. PW1

stated that PW1 obtained a job in Paalana Hospital for a monthly salary of Rs. 8,000/- after filing the M.C. R.W.1 also admitted that PW1 got the employment only after filing the MC. RW1, during cross-examination, admitted that he used to go to Paalana Hospital in the bus in which the respondent used to travel. He had no purpose to travel in the said bus. RW1 himself admitted that he informed the staff members in the hospital about the present case. To a suggestion that PW1 was forced to quit her job due to the disturbance by RW1, he answered that he was not aware as to whether she had quit her job. The further evidence of RW1 would show that his friends informed him just four months prior to his examination before the Court that PW1 was not going for the job. The evidence of PW1 would show that she was drawing Rs. 8000/- per month from the hospital. However, because of the disturbance by the revision petitioner, she lost that job. RW1 is a Carpenter by profession. There is no material before the court to prove the actual income of the revision petitioner. The evidence

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on record would prove that the respondent is not having any job or source of income at present for her livelihood. RW1 admitted that he is getting Rs. 450/- per day from his job. He is getting job for 25 days in a month.

6. Taking into consideration of the facts and circumstances of the case, including the probable income of the revision petitioner and also the need of the petitioner, the court below awarded maintenance as stated above. The maintenance awarded by the court below is not at all exorbitant. 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 Revision Petition stands dismissed.

Sd/-B. SUDHDEENDRAKUMAR,
JUDGE.

Ari/20/11/15