

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

RPFC.No. 187 of 2014 ()

ORDER IN MC 68/2012 OF FAMILY COURT, TRIVANDRUM DATED 22-01-2014

REVISION PETITIONER/COUNTER PETITIONER:

R.VIJAYADAS
RANI BHAVAN, KALLADICHAVILA, CHENKOTTUKONAM
NOW RESIDING AT KRISHNAKRIPA, RAMAPURATHU POYKA
AYIROORPARA P.O.

BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH

RESPONDENTS/STATE & PETITIONER:

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1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
 2. VINEETHA V.L.
VINEETHA BHAVAN, T.C.NO.14/1463, CHENNILODU
KANNAMEOLA, THIRUVANANTHAPURAM-695001.

R2 BY ADV. SRI.BASANT BALAJI
R BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

R.P.(FC) No. 187 of 2014

Dated this the 28th day of September, 2015.

ORDER

The revision petitioner is the counter petitioner in M.C.No.68 of 2012 on the files of the Family Court, Thiruvananthapuram, who in this revision petition challenges the order passed by the court below directing the revision petitioner to pay an amount of ₹10,000/- towards the monthly maintenance of the second respondent herein, who is the wife of the revision petitioner.

2. Heard both sides.

3. The status of the parties is not disputed. It is also not disputed that as per the order in M.C.No.249 of 2014, the revision petitioner was earlier directed to pay an amount of ₹2,000/- towards the monthly maintenance of the second respondent herein.

4. The second respondent herein filed M.C.No.68 of 2012 before the court below praying for granting enhanced

maintenance at the rate of ₹12,000/- per month alleging that the revision petitioner had been promoted and as a consequence of the promotion, his salary was increased to ₹40,660/- per month.

5. It is contended by the second respondent herein that the cost of living has been increased much. The amount of ₹2,000/- already ordered by the court below is not sufficient for meeting her medical expenses and other expenses.

6. The revision petitioner contended that the second respondent is having 10 cents of property and a building therein, from which she is getting a rent of more than ₹15,000/- per month. She is also having share in a workshop, from which also, she is getting handsome amount.

7. Before the court below, Exts. P1 and P2 were marked for the second respondent herein. No other evidence was adduced by the parties before the court below.

8. Considering the facts and circumstances of the case, including the fact that the revision petitioner is presently

getting a net salary of ₹20,096/- per month and also taking into consideration of the status of the parties and needs of the second respondent, the court below directed the revision petitioner to pay an enhanced compensation as stated above. It appears that the net salary of the revision petitioner is only ₹20,096/-. The court below ordered to give ₹10,000/- per month as the maintenance to the second respondent. It has been submitted by the learned counsel for the revision petitioner that the revision petitioner is having his personal needs also. He he has to also look after his parents. The revision petitioner has to also spend money for medicines for his parents.

9. The learned counsel for the respondent herein has no serious objection in fixing the quantum of maintenance at ₹8,000/- per month.

10. Considering the facts and circumstances of the case, including the salary of the revision petitioner, I am of the view that an amount of ₹8,000/- per month will be sufficient for the

maintenance of the second respondent and accordingly I order so.

In the result, this revision petition stands allowed in part, modifying the order passed by the court below to the extent that the revision petitioner needs to pay only ₹8,000/- per month towards the maintenance of the second respondent in stead of ₹10,000/- per month as ordered by the court below. The revision petitioner shall deposit the entire arrears of amount before the court below within three months from today.

**B. SUDHEENDRA KUMAR
JUDGE**

Scl.