

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

RPFC.No. 278 of 2014 ()

MC 130/2013 of FAMILY COURT, VADAKARA

REVISION PETITIONER(S)/RESPONDENT IN MC:

HASIM
S/O.MOHAMMED KOYA, RESIDING AT HASHIM VIHAR HOUSE
KARUVESSERY, RAMANUNNI ROAD, KARAPARAMBA
KOZHIKODE TALUK

BY ADVS.SRI.AVM.SALAHUDIN
SMT.EMIL STANLEY

RESPONDENT(S):

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1. SHARFEENA
D/O.AHAMMED, RESIDING AT KUNIYIL HOUSE, KAPPAD POST
THIRUVANGUR, CHEMANCHERA, KOYILANDY TALUK 673 305
 2. ANEEN, AGED 10 YEARS
S/O.SHARFEENA(MINOR) (REPRESENTED BY HIS MOTHER
THE FIRST RESPONDENT)

R1 & R2 BY ADV. SRI.V.V.SURENDRAN
R1 & R2 BY ADV. SRI.P.A.HARISH

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON
16-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.278 of 2014

Dated this the 16th day of December 2015

O R D E R

The revision petitioner is the respondent in M.C.No. 130 of 2013 on the files of the Family Court, Vatakara. The revision petitioner was directed to pay Rs.3,000/- each to each of the respondents towards their monthly maintenance. Aggrieved by the said order, this revision petition has been filed.

2. Heard both sides.

3. The first respondent would contend that the revision petitioner treated the first respondent with cruelty and in the said circumstances, the respondents were compelled to

leave the company of the revision petitioner. The revision petitioner refused to maintain the respondents. The revision petitioner was a driver earning more than Rs.30,000/- per month.

4. The revision petitioner would contend that he was employed abroad. However, he lost his employment abroad. Now he is getting only Rs.6,000/- per month from his job as a driver.

5. The first respondent was examined as PW1 and the revision petitioner was examined as RW1.

6. The status of the first respondent as the wife and the second respondent as the child of the revision petitioner is not disputed. The only challenge in this revision petition is the quantum of maintenance awarded by the court below.

The court below found that there was no allegation that the respondent was having any ailment or physical inability to earn a decent livelihood. The court below further found that the revision petitioner, being a driver, would get at least Rs.750/- per day. Accordingly, the court below calculated the probable income of the revision petitioner at Rs.20,000/- per month. There is absolutely no material before the court to show that the first respondent was having any job or source of income for her livelihood. Considering the status of the parties, the escalation of cost of living and the probable income of the revision petitioner, the court below ordered the revision petitioner to pay the maintenance as above. The maintenance ordered by the court below does not appear to be exorbitant or

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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 revision petition stands dismissed.

Sd/-

**B.SUDHEENDRA KUMAR,
JUDGE**

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PA to Judge