

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

RPFC.No. 488 of 2014 ()

AGAINST THE ORDER IN MP 171/2014 IN MP 172/2013 IN MC 345/2009
of FAMILY COURT,ERNAKULAM

...

REVISION PETITIONER(S)/PETITIONER/RESPONDENT:

K.G.HARIHARAN, AGED 68 YEARS
S/O.GANGADHARAN, KADAVATH HOUSE, THANTHONNITHURUTH,
MULAVUKAD P.O., ERNAKULAM - 682 504.

BY ADV. SRI.R.VENUGOPAL

RESPONDENT(S)/RESPONDENTS/PETITIONERS:

1. SUMATHY, AGED 58,
D/O.KUMARAN, KADAVATH HOUSE, THANTHONNITHURUTH,
MULAVUKAD P.O., ERNAKULAM - 682 504.

2. SUBASH, AGED 36, S/O.HARIHARAN, REP.
BY MOTHER SUMATHI, DO. DO.

3. SABU, AGED 32, S/O.HARIHARAN, REP.
BY MOTHER SUMATHI, DO. DO.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 27-05-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

OKB

K.HARILAL, J.

R.P(FC). No.488 of 2014

Dated this the 27th day of May, 2015.

O R D E R

The revision petitioner is the petitioner in M.P.No.171/2014 in M.P.No.172/2013 in M.C.No.345/2009 on the files of the Family Court, Ernakulam. The first respondent is the divorced wife and the respondents 2 and 3 are the sons. The respondents filed M.C. No.345/2009 claiming maintenance allowance under Section 125 of the Code of Criminal Procedure. The Family Court allowed the M.C. directing the revision petitioner to pay maintenance allowance at the rate of Rs.1,500/- each to the respondents. Even according to the averments in the memorandum of revision petition, an amount of Rs.4,95,000/- is due from the revision petitioner to the first respondent. The revision petitioner filed M.P. No.171/2014 with a prayer to relieve him from payment of arrear amount

so as to arrive at a settlement. After considering the fact that a huge amount is in arrear by way of maintenance, the court below dismissed the petition. The legality of the findings whereby the court below dismissed the petition is under challenge in this revision petition.

2. Going by the Memorandum of Revision Petition, it is seen that the revision petitioner has sought for a resolution of the dispute between himself and the respondents by way of settlement. But the respondents were not willing to accept the terms of settlement made by the revision petitioner. Admittedly, huge amount is pending as arrear maintenance allowance due to the respondents. In that circumstance, I do not find any fault with the Family Court in dismissing the petition to relieve him from the liability. There is no illegality or impropriety in the impugned order.

In the result, this revision petition will stand dismissed. It is made clear that this order will not stand in the way of seeking instalment facility before

the court below to pay the arrear and I am sure that if the petitioner files such a petition, the court below will consider the same, on the basis of the entire facts and circumstances of the case.

Sd/-
K. HARILAL, JUDGE

okb.