

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE A.M.BABU

WEDNESDAY, THE 14TH DAY OF NOVEMBER 2018 / 23RD KARTHIKA,
1940

Mat.Appeal.No. 555 of 2008

OP 444/2007 of FAMILY COURT, MALAPPURAM DATED 09-01-2008

APPELLANT/RESPONDENT:

BABU

AGED 24 YEARS

S/O. RAMAN, MANNARAKKAL HOUSE, P.O KAYALAM,
PERUVAYAL, KOZHIKODE.

BY ADVS.

SRI.MANJERI SUNDERRAJ

SRI.B.PREMNATH (E)

RESPONDENT/PETITIONER

KAMALA

AGED 21 YEARS

D/O. BODY CHETTIYAR, KİYATTU KUNNATHU,
PALLIYALI, P.O.VENGARA,, MALAPPURAM DT.

BY ADVS.

SRI.BABU S. NAIR

SRI.K.RAKESH

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON
14.11.2018, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

A.M.Shaffique, J

- 1.This appeal is filed by the respondent in O.P.447/2007 of the Family Court, Malappuram. He challenges the decree passed by the court below directing him to pay Rs 1,500/- per month as past maintenance for a period of 16 months.
- 2.The learned counsel for the appellant argued that the wife has deserted him and therefore she is not entitled for any maintenance. That apart, the amount directed to be paid is exorbitant. The appellant is only a coolie worker and therefore the court below should not have ventured to pass such a decree.
- 3.We heard the learned counsel for the respondent who supports the judgment of the family court. It is submitted that there is no evidence to prove

that the wife has deserted the appellant whereas she had to leave the matrimonial home on account of cruelty.

4. Admittedly the appellant is a coolie worker. The learned counsel submits that the appellant is a mason. The mason in State of Kerala will get substantial amount as wages and present direction is only to pay Rs 1,500/- as past maintenance for a period of 16 months.

5. No material has been produced by the appellant to prove that he was paying maintenance to the respondent/wife during the relevant time. Under such circumstances there is no reason for us to interfere with the judgment of the family Court. In fact, the above case was decided along with M.C.466/2007 in which also direction was issued to pay Rs 1,500/- per month as future maintenance. The learned counsel for the appellant submits that the Revision Petition is pending against the said order.

6.Be that as it may, we do not find any reason to interfere with the judgment of the Family Court. Mat.Appeal is dismissed. No costs.

Sd/-

A.M.SHAFIQUE
Judge

Sd/-

A.M.BABU
Judge

Mrcs/14.11.

True copy

APPENDIX

ANNEXURE :

ANNEXURE 1

**CARBON COPY OF IMPUGNED ORDER DATED
09/01/2008 IN OP NO. 444 OF 2007 FAMILY
COURT, MALAPURAM.**

/True Copy/

P.S.To Judge