

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 27TH DAY OF MARCH 2017/6TH CHAITHRA, 1939

RPFC.No. 146 of 2015 ()

AGAINST THE ORDER IN MC 79/2011 of FAMILY COURT, ERNAKULAM
DATED 01-01-2015

REVISION PETITIONER(S) /RESPONDENT:

SAJESH A., AGED 40,
S/O.C.P.ARAVINDAN NAIR,
ARAVIND, KAITHAVANA, PAZHAVEEDU VILLAGE,
KANIYAMKULAM EAST,
SANATHANAPURAM, ALAPPUZHA -3

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT(S) /PETITIONERS:

1. SOUMYA K.V., AGED 30,
D/O.LATE VENUGOPALA MENON, KORETH HOUSE,
MRRA 13, POONITHURA VILLAGE, POONITHURA P.O.
ERNAKULAM DISTRICT, PIN: 682 038.
2. ANUVINDHA, AGED 9,
D/O.SOUMYA K.V.,
KORETH HOUSE, MRRA 13, POONITHURA VILLAGE,
POONITHURA P.O., ERNAKULAM DISTRICT,
PIN: 682 038.

R1 &R2 BY ADV. SRI.T.M.RAMAN KARTHA

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON
27-03-2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

STK

B. SUDHEENDRA KUMAR, J.

R.P.(F.C.) No.146 of 2015

Dated this the 27th day of March, 2017

ORDER

The petitioner is the respondent in M.C.No.79/2011. The petitioner was directed by the court below to pay Rs.4,000/- to the first respondent herein and Rs.6,000/- to the second respondent herein towards their monthly maintenance. Aggrieved by the quantum of maintenance, this revision petition has been filed.

2. Heard both sides.

3. The status of the first respondent as the wife of the petitioner is not disputed. The paternity of the second respondent is also not disputed. The only dispute is with regard to the quantum of maintenance awarded by the court below.

4. The respondents contended that the petitioner herein is working abroad, earning Rs.1,00,000/- per month.

However, the petitioner herein contended that even though the petitioner herein had gone abroad in search of a job, he did not get any employment and hence he came back from abroad. However, no material had been produced by the petitioner herein to prove the said aspect. Even though the petitioner herein contended that the first respondent is running a Beauty Parlour, the first respondent denied the same and stated that she has no job or income for her livelihood and the livelihood of the second respondent herein.

5. The petitioner herein was examined as RW1. RW1 admitted that he is a licensed electrician. No material has been produced by the petitioner to prove his income. The second respondent is a school going female child. She needs money for her education, clothing, food and other welfare activities.

6. Considering the facts and circumstances of the case, including the needs of the respondents herein, the

status of the parties and the probable income of the petitioner herein, the court below directed the petitioner herein to pay maintenance as stated as above. Having gone through the relevant inputs, I do not find any reason to hold that the quantum of maintenance awarded by the court below was exorbitant or unreasonable, warranting interference by this Court. Since Annexure-1 order was passed during the pendency of the order of stay granted by this Court, Annexure-1 order can not be sustained and consequently, I set aside the same.

In the result, this revision petition stands disposed of upholding order dated 01.01.2015 passed by the court below in M.C.79/2011.

Sd/-
B. SUDHEENDRA KUMAR,
JUDGE

STK

//TRUE COPY//

//P.A. TO JUDGE//