



2025:KER:25680

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 25<sup>TH</sup> DAY OF MARCH 2025 / 4TH CHAITHRA, 1947

RPFC NO. 520 OF 2023

AGAINST THE ORDER DATED 20.12.2022 IN MC NO.121 OF 2019 OF  
FAMILY COURT, MAVELIKKARA

REVISION PETITIONER/RESPONDENT IN MC:

SILPA  
AGED 32 YEARS  
W/O SANTHOSH, AKSHAYA VILLA, SATHEESH BHAVANAM,  
MUTHUKATTUKARA, NOORANDADU P.O, PALAMEL VILLAGE,  
ALAPPUZHA, KERALA, PIN - 690504

BY ADVS.  
SREEHARI INDUKALADHARAN  
D.SMITHA

RESPONDENT/PETITIONER IN MC:

SASIDHARAN  
AGED 67 YEARS  
S/O NARAYANAN, SILPA NIVAS, NOORANADU P. O,  
KOTTACKATTUSSERI MURI, THAMARAKULLAM VILLAGE,  
ALAPPUZHA, KERALA, PIN - 680504

BY ADVS.  
VISHNUDAS HARIDAS  
T.G.LELLULAL(K/45/1981)

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY  
HEARD ON 25.03.2025, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

**ORDER**

This Revision Petition has been filed challenging the order passed by the Family Court, Mavelikara in a proceedings under Section 125 of the Criminal Procedure Code.

2. The petitioner is the daughter of the respondent. The respondent filed M. C. No.121/2019 before the Family Court, Mavelikara against the petitioner claiming maintenance. The Family Court after the trial, granted a monthly maintenance of ₹5,000/- (Rupees Five thousand only) to the respondent. The said order is under challenge in this Revision Petition.

3. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The respondent is aged 70 years and is admittedly residing with his son. It is true that since the respondent does not have any income to support himself, the petitioner being the daughter is liable to maintain him provided she has sufficient means. The respondent alleged



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that the petitioner is running a DTP centre and earns sufficient income. However, the petitioner in the counter statement specifically contended that she has no job or income and the DTP centre is run by her husband. There is absolutely no evidence to show that the DTP centre is run by the petitioner and she is getting any income from there. There is also no other evidence to show that the petitioner has any job or any other source of income. However, the Family Court granted maintenance on the ground that the petitioner is healthy, sufficiently educated and is liable to maintain her father. Since there is absolutely no evidence on record to show that the petitioner has any means to maintain the respondent, the order of maintenance passed by the Family Court cannot be sustained. Accordingly, the impugned order is set aside.

The Revision Petition is allowed as above.

**Sd/-  
DR. KAUSER EDAPPAGATH  
JUDGE**

BR



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**APPENDIX OF RPFC 520/2023**

**PETITIONER'S ANNEXURES**

|                    |                                                                                                                                                        |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Annexure A1</b> | <b>A TRUE COPY OF THE OBJECTION FILED BEFORE THE HON'BLE FAMILY COURT , MAVELIKKARA IN CRL.M.P 223/2019 IN MC NO 121/2019</b>                          |
| <b>Annexure A2</b> | <b>TRUE COPY OF THE ORDER DATED 20.12.2022 IN MC NO. 121/2019 OF THE FAMILY COURT, MAVELIKARA</b>                                                      |
| <b>Annexure A3</b> | <b>TRUE COPY OF THE ORDER DATED 30.06.2016 ISSUED BY THE MAINTENANCE OF PARENTS AND SENIOR CITIZENS TRIBUNAL &amp; SUB-DIVISIONAL MAGISTRATE COURT</b> |
| <b>Annexure A4</b> | <b>A TRUE COPY OF LETTER DATED 14.06.2019 ISSUED TO THE RESPONDENT BY FRANKLIN TEMPLETON</b>                                                           |
| <b>Annexure A5</b> | <b>TRUE COPY OF RTI REPLY NO. T.K.M 20/2019-20 DATED 13.02.2020 ISSUED BY KRISHI BHAVAN, THAMARAKULAM</b>                                              |
| <b>Annexure A6</b> | <b>TRUE COPY OF RTI REPLY NO. P.A. 6/19-20 UNDATED ISSUED BY AGRICULTURAL OFFICER, PALAMEL</b>                                                         |
| <b>Annexure A7</b> | <b>TRUE COPY OF RTI REPLY UNNUMBERED DATED 10.03.2020 ISSUED BY PALAMEL KARSHAKA SAMITHI, NURANADU</b>                                                 |
| <b>Annexure A8</b> | <b>TRUE COPY OF FARMER'S PARTY LEDGER OF THE RESPONDENT FROM 1ST APRIL 2019 TO 31ST MARCH 2020 ISSUED BY PALAMEL KARSHAKA SAMITHI, NURANADU</b>        |
| <b>Annexure A9</b> | <b>A TRUE COPY OF THE LETTER DATED 10.03.2020 ISSUED BY THAMARAKULAM A GRADE VEGETABLE STAR</b>                                                        |



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- Annexure A10**                    **A COPY OF DETAILS CASH TRANSACTION  
DETAIL DATED 10.03.2020 ISSUED BY  
THAMARAKULAM ECHO SHOP**
- Annexure A11**                    **A COPY OF RESPONDENT'S DETAILS ON PUBLIC  
INFORMATION ABOUT INDIRA GANDHI PENSION  
SCHEME DATED 31.10.2020 ISSUED BY SEVANA  
PENSION - SOCIAL SECURITY SYSTEM,  
GOVERNMENT OF KERALA**
- Annexure A12**                    **A TRUE COPY OF THE VEHICLE DETAILS OF  
VEHICLE BEARING NO. KL31B7594 SHOWING IN  
REGISTERING AUTHORITY**
- Annexure A13**                    **A TRUE COPY OF THE JUDGEMENT IN RP (FC)  
NO 102 OF 2023 IS OF THIS HON'BLE COURT  
DATED 23.05.2023**
- Annexure A14**                    **CERTIFIED COPY OF THE ORDER DATED  
23.08.2023 IN MC NO. 121/2019 OF THE  
FAMILY COURT, MAVELIKARA**

**RESPONDENT'S ANNEXURES: NIL**