

Renjith Vs. Jelsa

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Court : Kerala

Decided On : Feb-04-2013

Judge : Honourable Mr.Justice K.Harilal

Appellant : Renjith

Respondent : Jelsa

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.HARILAL MONDAY, THE 4TH DAY OF FEBRUARY 2013 15TH MAGHA 193 RPFC.No. 33 of 2013 ----- AGAINST THE ORDER IN MC.113/2009 of FAMILY COURT,ERNAKULAM DATED REVISION PETITIONER RENJITH AGED 4 YEARS S/O. LATE SOMAN, MAROTTIKKAL HOSUE, PONELKKARA ELAMAKKARA, ERNAKULAM. BY ADVS.SRI.T.SETHUMADHAVAN SRI.PUSHPARAJAN KODOTH SRI.K.JAYESH MOHANKUMAR SMT.VANDANA MENON RESPONDENTS/PETITIONERS:

1. JELSA, AGED 3 YEARS D/O. ARAVINDAN, PANTHIPARAMBIL HOUSE, NAYARAMBALAM ERNAKULAM.
2. RAHUL, AGED 5 YEARS S/O. RENJITH, -DO- REP. BY MOTHER 1 T RESPONDENT.
3. SREELAKSHMI AGED 3 YEARS D/O. RENJITH, -DO- REP. BY MOTHER 1 T RESPONDENT. THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR

ADMISSION ON 04-02-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: K. HARILAL J.

===== R.P.(FC) NO. 33 OF 2013.=====

Dated this the 4th day of February 2013 ORDER The Revision Petitioner is the respondent in M.C.No. 113/2009 on the files of the Family Court, Ernakulam and Respondents are petitioners therein. The first respondent filed an application on behalf of the 2nd and 3rd respondent claiming maintenance at the rate of Rs.3,000/- each from the revision petitioner.

2. The allegations against the Revision Petitioner are as follows: After one month from the date of marriage, the life of the first respondent with the revision petitioner became miserable. The revision petitioner made the first respondent to wait before the liquor shop at night till he complete his thirst of consuming liquor. On the 7th month of pregnancy, she was taken to her home and subsequently she delivered the 2nd respondent at General Hospital, Ernakulam. The entire hospital expenses were met by the first respondent with the aid of her relatives. After four months she was taken to the house of the Revision Petitioner. In February 2008, she again became RPFC 33 2013 -2- pregnant and delivered the third respondent. The revision petitioner did not pay anything to meet her expenses, instead he started to abuse her which ended in merciless attack resulted in bleeding also. She was hospitalised for a long time. The revision petitioner is a painting contractor and earning Rs.30,000/- per month, she alleged; whereas the first respondent is not having any job or income. She is depending upon her relatives to meet her livelihood. Therefore she prayed for an amount of Rs. 3,000/- each per month from the Revision Petitioner.

3. The Revision Petitioner entered appearance and denied the averment that he earns Rs.30,000/-- per month. According to him, he is only a painting worker on daily wages and getting an average monthly wage of Rs.3000/- only. The first respondent is a tailor and earns her livelihood. According to the Revision Petitioner, the first respondent left the residence without sufficient reasons. The first respondent was examined as PW1 and the Revision Petitioner was examined as RW1. RPFC 33 2013 -3- 4. The court below has considered the evidence on

record meticulously and found that the Revision Petitioner has willfully deserted PW1 and petitioners 2 and 3 without any sufficient reasons. Though the Revision Petitioner contended that the first respondent is earning her own livelihood, he failed to prove the same in evidence. The Revision Petitioner contended that he is a casual labourer in painting works, getting only a meager income and therefore, he is not able to pay the amount as claimed by the respondents. The court below found that a painter will get approximately more than Rs.400/- to Rs.500/- per day. Even if he is doing work only for 20 days in a month, he will get Rs.8,000/- to Rs.10,000/- per month. Therefore, even according to the admitted case of the Revision Petitioner, the direction to pay Rs.1,500/- each is well within his admitted case commensurate with his earning Rs.400/- to Rs.500/- per day. I am also of the view that certainly if he is earning such an amount he would be able to pay the maintenance as ordered by the court below. RPFC 33 2013 -4- 5. Going by the materials on record, I am of the view that the court below rightly ordered to pay an amount of Rs.1,500/- each towards maintenance of the respondents. There is no illegality or irregularity in the impugned order passed by the court below. Therefore, I find that there is no circumstance warranting interference under Section 19 of the Family Courts Act and the R.P.(F.C). is devoid of merit. In the result, the R.P.(F.C). is dismissed accordingly. Sd/- K. HARILAL , JUDGE ks. True copy P.s.to Judge RPFC 33 2013 -5-

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