

Satheesan Vs. Saibi

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Court : Kerala

Decided On : Jun-27-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Satheesan

Respondent : Saibi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID FRIDAY, THE 27TH DAY OF JUNE 2014 6TH ASHADHA, 1936` RPFC.No. 188 of 2014 () ----- MC.NO. 475/2011 OF FAMILY COURT, THRISSUR DATED 1902-2014 ----- REVISION PETITIONER/RESPONDENT : ----- SATHEESAN, AGED 37 S/O. KADAVARATHA VEETIL THAMI CHALISSERY VILLAGE DESOM, CHALISSERY P.O. OTTAPALAM TALUK, PALAKKAD DISTRICT BY ADV. SRI.G.SREEKUMAR (CHELUR) RESPONDENTS/PETITIONERS : -----

1. SAIBI, AGED 31 D/O. THALEKARAVEETIL GOPI, THAMARAYOOR DESOM PERAKAM AMSOM, CHAVAKKAD TALUK, PIN - 680 505.
2. MINOR NAVOMY D/O. SAIBI, THAMARAYOOR DESOM, PERAKAM AMSOM CHAVAKKAD TALUK, PIN - 680 505 (MINOR REPRESENTED BY MOTHER AND GUARDIAN SAIBI) R1 & R2 BY ADV. SRI.M.PREMCHAND THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION

ON2706-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Mn P.UBAID, J.

~~~~~ R.P (FC) No.188 of 2014 ~~~~~ Dated this the 27th June,  
2014

## ORDER

The revision petitioner is aggrieved by the order obtained by his wife and daughter under Section 127, Cr.P.C from the Family Court, Thrissur in M.C No.475 of 2011. In M.C. 292 of 2007, the trial court passed orders on 5.4.2008 granting maintenance to the wife at the rate of 600/- per month, and to the minor daughter at the rate of 300/- per month. I do not know how a young lady having a small child would live with just 900/- per month. Anyway, on change in circumstances, she brought claim in 2011 for reasonable enhancement.

2. The revision petitioner resisted the claim on the contention that there has not been substantial change in circumstances, and that there has not been considerable increase in his income since the disposal of the first application. Both sides adduced oral evidence during the enquiry conducted by the trial court. On an appreciation of the evidence, the trial court found that the wife and child of R.P (FC) No.188 of 2014 2 the revision petitioner require reasonable amount in changed circumstances. Accordingly, the maintenance amount in favour of the wife was enhanced to 2000/- per month and the maintenance amount ordered to the minor daughter was enhanced to 1700/- per month, by order dated 23.8.2011 in M.C No.475 of 2011. The said order is under challenge in this revision brought under Section 19 (4) of the Family Courts Act.

3. On hearing both sides, and on a perusal of the case records, I do not find any irregularity or impropriety or illegality in the impugned order. The amount of maintenance was enhanced and fixed by the trial court on a consideration of all the relevant aspects including the needs and necessities of the wife and child in the changed social circumstances, where cost of living is always on the increase. Of course, the revision petitioner would contend that there is nothing to show that there has been considerable increase in his income. The change of circumstances

will apply to him also. His income years back may not be the income now. Courts must be conscious of R.P (FC) No.188 of 2014 3 the present day wage structure and also the prospects of various business activities these days. The trial court considered all the relevant aspects discussed above and found that the wife requires 2,000/- per month, and the minor daughter requires 1,700/- per month these days. There is not much difference between the two amounts because the child has been pursuing her studies in a good institution No doubt, she will require that much in the present social circumstances where much amount is required for educating children in good institutions. Thus, I find that enhancement in the amount of maintenance was made by the trial court on a consideration of all the factual aspects, and I do not find any reason for interference in the amount fixed by the trial court. Legally also, the impugned order is well sustainable, and it does not require interference. Accordingly, I find that this revision petition is liable to be dismissed in limine, without being admitted to files. However, as requested by the learned counsel for the revision petitioner, a reasonable time can be granted to him to make payment of the amount of maintenance due under R.P (FC) No.188 of 2014 4 the impugned order till this date. In the result, this revision petition is dismissed in limine without being admitted to files, however, granting a period of one month from this date to the revision petitioner to make payment of the amount due under the impugned order. Sd/- P.UBAID JUDGE ma /True copy/ P.S to Judge

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