

Jayasagar Vs. Sindhukuttyamma

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Court : Kerala

Decided On : Aug-13-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Jayasagar

Respondent : Sindhukuttyamma

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID WEDNESDAY, THE 13TH DAY OF AUGUST 2014 22ND SRAVANA, 1936 RPFC.No. 134 of 2014 ----- AGAINST THE

ORDER

IN MC3172012 of FAMILY COURT, KOTTAYAM AT ETTUMANNOOR REVISION PETITIONER/COUNTER PETITIONER: ----- JAYASAGAR, S/O. KUMARA, THAIVEETIL HOUSE, CHERUKARA KARA KAVALAM VILLAGE, KUTTANAD TALUK. BY ADVS.SRI.M.P.MADHAVANKUTTY SRI.GOKUL DAS V.V.H. RESPONDENTS/PETITIONERS : ----- 1. SINDHUKUTTYAMMA, D/O. RAGHAVAN, KARIPPURATHU HOUSE, PULIKKUTTISSERY P.O. VALYADU KARA, AYMANAM VILLAGE - 686 015.

2. JAYARAM (MINOR), REPRESENTED BY HIS MOTHER & NEXT FRIEND
RESPONDENT, KARIPPURATHU HOUSE, PULIKKUTTISSERY P.O. VALYADU
KARA, AYMANAM VILLAGE - 686 015. R1,R2 BY ADV. SRI.SIRAJ KAROLY
R1,R2 BY ADV. SMT.A.SEENA THIS REV.PETITION(FAMILY COURT) HAVING
BEEN FINALLY HEARD ON 13-08-2014, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: ab P.UBAID, J.

~~~~~ R.P(FC) No.134 of 2014 ~~~~~ Dated this the 13th August,  
2014

## ORDER

The revision petitioner is aggrieved by the order of the Family Court, Kottayam at Ettumanoor in M.C No.317 of 2012 enhancing the amount of maintenance due to his minor son from 1000/- to 2500/- per month. 1000/- per month was ordered by the trial court in M.C No.248 of 2010. Just after two years, the child and his mother brought claim under Section 127 of Cr.P.C for enhancement. On trial, the trial court found that the mother is not entitled to get enhanced maintenance in her special circumstances. But the maintenance amount due to the child was enhanced from 1000/- to 2500/- by order dated 10.9.2013. The said order is under challenge in this revision.

2. On hearing both sides, I find that the grievance of the revision petitioner is that the amount now granted by the trial court in 2012 has gone beyond double the amount granted in 2010 and that 2500/- per month is not in fact R.P(FC) No.134 of 2014 2 required for the maintenance and educational expense of the child aged only 10 years now. I find the necessity of some slight modification in the impugned order. The amount of maintenance, awarded on a claim made in 2010, was enhanced by the trial court to more than double the amount, in the claim made in 2012. Lapse of just two years will not justify enhancement at such high rate from 1000 to 2500 per month. Of course, it is true that there has been increase in cost of living due to increase in needs and necessities. But huge enhancement can be made only when there is lapse of so many years since the original order. In the given circumstances, I feel that double the amount granted in the claim made in 2010 will be the adequate amount and it will do justice to the child in the claim

made just after two years.

3. In the result, this revision petition is allowed in part. The impugned order of the trial court in favour of the 2nd respondent (minor child) will stand modified to the effect that the enhanced amount of maintenance payable by the revision petitioner shall be 2000/- per month, payable from R.P(FC) No.134 of 2014 3 the date of petition as ordered by the trial court. This is of course subject to further modification or enhancement under Section 127 of Cr.P.C as and when needs and necessities increase and circumstances of the child change as he grows up, and needs more for pursuing good education. Sd/- P.UBAID JUDGE ma /True copy/  
P.S to Judge

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