

Sasi vs Manju

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Court : Kerala Orders

Decided On : Mar-05-2024

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : RPFC/36/2024

Appellant : SASI

Respondent : MANJU

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
TUESDAY, THE 5th DAY OF MARCH 2024 / 15TH PHALGUNA, 1945
RPFC NO. 36 OF 2024 AGAINST THE ORDER DATED 29.09.2022 IN
MC NO.191 OF 2018 OF FAMILY COURT, KOLLAM REVISION
PETITIONER/RESPONDENT: SASI, AGED 47 YEARS, S/o
CHELLAAPAN, FROM KARICHALIL VADAKKETHARA, MARUTHADY
P.O, KOLLAM, NOW RESIDING AT VAYALIL VEETIL
PADINJATTATHIL, OZHUKKUTHODE, MARUTAHDY P.O, KOLLAM,
PIN - 691003 BY ADVS. SAJU J PANICKER KURIAN K JOSE
RESPONDENTS/PETITIONER AND STATE: 1 MANJU, AGED 40
YEARS, D/o REKHA, MAHESH NIVAS, CHERNASSERRY,

MARUTHADY P.O, KOLLAM, PIN - 691003 2 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 R2 BY PUBLIC PROSECUTOR SRI SANGEETHARAJ N R THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 05.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: RPFC No.36 of 2024 2

ORDER

The husband, the petitioner herein, is getting an amount of Rs.40,000/- per month. While in the box he had admitted that the respondent, his wife, has no job or income to maintain her livelihood. The time taken to maintain an application for maintenance which comes to 17 years is hardly a ground to deny the right of maintenance. The amount ordered by way of monthly maintenance is only Rs.1,000/- per month, for which no valid reason was assigned by the Family Court. I am at a loss to understand on what basis such a meagre amount of Rs.1,000/- was granted by way of maintenance to the wife, especially when there is a finding to the effect that the husband has got at least Rs.40,000/- per month by way of his salary and other income. Necessarily, it may be, in all probability, a clerical mistake which requires reconsideration by the trial court. The impugned order hence will stand set aside. The matter is remanded back to the trial court for

RPFC No.36 of 2024

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disposal.

Till

Rs.5,000/- per month. The parties shall appear before the trial court on 26.03.2024. The Revision Petition will stand allowed in part accordingly. Sd/- P.SOMARAJAN JUDGE DMR/-

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