

Rafeeque vs Sheeja.T.

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Court : Kerala Orders

Decided On : Mar-14-2022

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : RPFC/38/2020

Appellant : Rafeeque

Respondent : Sheeja.T.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
MONDAY, THE 14TH DAY OF MARCH 2022 / 23RD PHALGUNA, 1943
RPFC NO. 38 OF 2020 AGAINST THE ORDER DATED 12.11.2019 IN
MC No.348/2018 OF FAMILY COURT, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT PETITIONER/COUNTER
PETITIONER: RAFEEQUE, AGED 45 YEARS, S/O.SHARAFUDHEEN,
FIRDOWS MANZIL, EDAVAM, THENNOOR VILLAGE, PERINGAMALA,
NEDUMANGAD, THIRUVANANTHAPURAM. BY ADV SRI.LATHEESH
SEBASTIAN RESPONDENTS/PETITIONERS:

1 SHEEJA.T.,AGED 41 YEARS, D/O.THANKAMMA, 4/683, KIZHAKKINKARA PUTHEN VEEDU, NOW RESIDING AT PARAKONAM THOTTARIKATHU VEEDU, KOCHUVILA, PERINGAMALA, NEDUMANGAD-695 563. 2 RASIKA.S.,AGED 11 YEARS, S/O.SHEEJA, 4/683, KIZHAKKINKARA PUTHEN VEEDU, MINOR, REPRESENTED BY HIS MOTHER AND NATURAL GUARDIAN 3 VAIGA.S.AGED 3 YEARS, D/O.SHEEJA, 4/683, KIZHAKKINKARA PUTHEN VEEDU, MINOR, REPRESENTED BY HER MOTHER AND NATURAL GUARDIAN BY ADVS.SMT.P.T.MARY SMT.REJITHA R.S.

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 14.03.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 14th day of March, 2022. This revision is filed challenging an order passed in M.C.No.348/2018 by Family Court, Nedumangad (for short the court below) on 12.11.2019 directing the revision petitioner to pay Rs.1,500/- each as monthly maintenance allowance to respondents 2 and 3 who are the children of the revision petitioner. M.C. was filed seeking for monthly maintenance allowance at the rate of Rs.10,000/-, Rs.5,000/- and Rs.3,000/- respectively to 1st, 2nd and 3rd petitioners. The averment in the M.C. was that revision petitioner was running provision stores and getting more than Rs.50,000/- as monthly income therefrom.

2. For the sake of convenience, the parties to this revision will hereinafter be referred to as the respondent and the petitioners in accordance with their status in the M.C.

3. In the objection filed by the respondent in the M.C. it was contended that the 1st petitioner is not his wife and they

never resided together as husband and wife. It was further contended that in view of the humiliation of the 1st petitioner, the respondent was constrained to pay

Rs.1,00,000/- in lumpsum to

her and Rs.1000/- monthly. In view of payment of Rs.1,00,000/-, it was agreed by the 1 st petitioner that she shall not raise any further claim. The 1 st petitioner is contended as a tapping worker and earning Rs.500/- daily. The respondent has denied the averment of the 1st petitioner that he was getting Rs.50,000/- monthly.

4. Before the court below evidence was adduced both by

the petitioners as well as the respondent. No evidence was adduced by the 1st petitioner to establish her claim that respondent was earning Rs.50,000/- monthly. The respondent has also not adduced any evidence to establish the actual monthly income earned by him. The court below has accepted the contention taken by the respondent that the 1st petitioner is not the legally wedded wife and declined to order any sum as maintenance allowance in her favour. A sum of Rs.1,500/- each

was ordered in favour of petitioners 2 and 3 and directed the respondent to pay it from August, 2018. The 1 st petitioner was also permitted to receive the monthly maintenance allowance for and on behalf of the 2nd and 3rd petitioners.

5. Rs.1,500/-each being ordered as monthly

maintenance allowance in favour of two children of the respondent, who are pursuing with their education, this Court finds no reason to interfere with. Revision fails and is dismissed. Sd/- MARY JOSEPH JUDGE MJL

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