

Lineesh P. vs Adidev P.V. (Minor), Rep. by Deepthi P.V.

Lineesh P. vs Adidev P.V. (Minor), Rep. by Deepthi P.V.

SooperKanoon Citation : sooperkanoon.com/1463388

Court : Kerala

Decided On : Mar-31-2022

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : RPFC/93/2022

Appellant : Lineesh P.

Respondent : Adidev P.V. (Minor), Rep. by Deepthi P.V.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA,
1944 RPFC NO. 93 OF 2022 AGAINST THE ORDER/JUDGMENT
DATED 18.11.2021 IN MC 15/2018 OF FAMILY COURT, KANNUR
REVISION PETITIONER/RESPONDENT: LINEESH P. AGED 39
YEARS S/O. GOVINDAN, NANIYIL HOUSE, PATTUVAM AMSOM,
ARIYIL DESOM, TALIPARAMBA TALUK, KANNUR DISTRICT, PIN -
670143 BY ADVS. SUNIL V.MOHAMMED P.KULUSU
RESPONDENT/PETITIONER: ADIDEV P.V., S/O. LINEESH, AGED 3
MONTHS (MINOR), REP. BY DEEPTHI P.V.D/O. VENUGOPALAN,
AGED 31 YEARS POOLAKKAL PARAMBIL HOUSE, PATTUVAM

AMSOM, ARAYIL DESOM, KAYYAMTHADAM, KANNUR DISTRICT, PIN - 670143. THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING

ORDER

Dated this the 31st day of March, 2022. This revision is filed challenging an order passed by Family Court, Kannur in M.C.No.15/2018. The M.C was filed under Section 125 (1) Cr.PC by the mother of a minor child aged 3 months, born in her relationship with the respondent.

2. According to the petitioner the minor child was having cardiac problems and a sum of Rs.10,000/- is required monthly for treatment.

3. According to her, the minor child had to undergo an operation

which costs approximately Rs.5,00,000/-. It was further averred that the respondent is doing real estate business and is having landed properties. His monthly income allegedly is Rs.5,00,000/- and Rs.10,000/- was sought as monthly maintenance allowance.

4. In the counter statement filed by the respondent, it was

contended that the petitioner has married one Mr.Suresh and he is having three children in that wedlock. According to him the said factum was suppressed in the application. Paternity was denied by the respondent, but, an affirmative result was obtained in the DNA test conducted, that respondent himself is the father of the minor child. According to the respondent he was having only Rs.10,000/- as monthly income from his job as a mechanic.

5. Petitioner has not adduced any evidence to establish his monthly income. According to him, his age old father is residing with him and he is suffering from ailments. But, no documentary evidence is forthcoming to establish that. Whereas the petitioner has produced some medical documents to establish the child's coronary decease. In the above circumstances this Court finds no reason to

interfere with Rs.5,000/- stands ordered as monthly maintenance in favour of the minor child. Revision is not admitted for the above reasons. Sd/- MARY JOSEPH JUDGE al/-.+

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com