

**P.M. Pareed Vs. C. Aysha**

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**SooperKanoon Citation :** [sooperkanoon.com/727299](http://sooperkanoon.com/727299)

**Court :** Kerala

**Decided On :** Dec-08-1987

**Reported in :** 1988CriLJ806

**Judge :** Chettur Sankaran Nair, J.

**Appellant :** P.M. Pareed

**Respondent :** C. Aysha

**Judgement :**

ORDER

Chettur Sankaran Nair, J.

1. Respondent claimed maintenance for herself and for infant daughter. Marriage and paternity were admitted. But, the claim was resisted on other grounds. Trial Magistrate awarded maintenance at the rate of Rs. 100/- per month for the child and rejected the claim of respondent wife. In revision, Sessions Judge awarded maintenance at the rate of Rs. 150/- per month to respondent, besides affirming the order in favour of the child.

2. Learned Counsel for petitioner submitted that respondent was divorced, and that D6 should have been relied on to find divorce. It is his further contention that when the respondent wife was examined in Court on 30-8-1986, she was informed that she had been divorced. Relying on the decision in Mohammed Haneefa v. Pathummal Beevi 1972 Ker LT 512, counsel submitted that divorce could be effected by addressing the 'Talak' to a person other than wife, and such would do service for divorce. Suggestion put by counsel for the husband to the wife in the box is not communication of divorce, nor can the statement of the husband in the box addressed to the Court be communication of divorce to the wife, or some one on her behalf.

3. Learned Counsel then submitted that the amount awarded to the wife is excessive. The daily wages earned by petitioner on such days on which he would have worked is Rs. 25/- per day, and it is said that it will be hard to find work on every day. In the circumstances, while confirming the order of the Court of Session, amount of maintenance awarded to respondent is reduced to Rs. 100/- per month, while maintaining the award in favour of the infant daughter. With this modification, revision petition fails and is dismissed.

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