



2026:KER:74921

R.P.F.C.No.122/2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2026 / 8TH ASWINA, 1948

RPFC NO. 122 OF 2024

AGAINST THE JUDGMENT DATED 14.11.2023 IN MC NO.137 OF 2019 OF
FAMILY COURT, KOTTAYAM AT ETTUMANOOR

REVISION PETITIONER/ RESPONDENT:

A

BY ADVS.SRI.K.SANEESH KUMAR
SMT.V.B.SANTHINI

RESPONDENT/ PETITIONER:

D.

BY ADVS.SRI.ANANTHAKRISHNAN A. KARTHA
SRI.ANIL D.KARTHA
SHRI.SURESH G.
SHRI.SHARATH ELDO PHILIP
SHRI.SREEKUMAR G.
SHRI.ANANTHASANKAR A. KARTHA

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON
24.09.2026, THE COURT ON 30.09.2026 PASSED THE FOLLOWING:



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ORDER

The order passed by the Family Court, Kottayam at Ettumanoor, in M.C.No.137/2019 directing the petitioner herein to pay maintenance at the rate of Rs.10,000/- per month to the respondent, is under challenge in this revision petition.

2. The petitioner married the respondent on 01.08.2015. It was the second marriage of the petitioner solemnized pursuant to the matrimonial advertisement made by the petitioner in a leading daily. Admittedly, the marriage was not consummated. According to the petitioner, he was incapacitated from having physical relationship due to a paralytic stroke suffered by him on 29.10.2012. It is the further case of the petitioner that he made the matrimonial advertisement only to get a maid servant to take care of him and his mother. Anyhow, the marital relationship between the petitioner and the respondent collapsed leading to the institution of the maintenance case as well as a case for divorce and return of gold ornaments by the respondent. The Family Court recorded evidence in all the three cases jointly. While the petition filed by the respondent for divorce was allowed on the ground of cruelty, her claim for return of gold ornaments and realisation of money was rejected. The court below found that the petitioner herein was having sufficient means to pay



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maintenance at the rate of Rs.10,000/- per month to the respondent, and accordingly, passed the orders in the aforesaid M.C. Aggrieved by the above order in the M.C., the petitioner is here before this Court with this revision petition.

3. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent.

4. The learned counsel for the petitioner would contend that the court below went wrong in directing payment of maintenance despite clinching evidence brought on record to show that the petitioner is physically incapacitated due to a paralytic stroke, to do any work and to earn income. In addition to the medical records produced before the court below, the learned counsel for the petitioner would rely on the certificate issued by the Medical Board of General Hospital, Pathanamthitta, after examining the petitioner as directed by a Division Bench of this Court dealing with the Mat. Appeal No.494/2024, to show that the petitioner is having permanent locomotor disability of 70% in relation to his whole body, and hence he is disabled from doing any work.

5. It is true that the medical evidence brought on record would disclose the physical incapacity suffered by the petitioner due to a paralytic stroke in the year 2012. However, the court below, after the analysis of the



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evidence on record, came to the conclusion that the petitioner is having sufficient resources to pay maintenance at the rate of Rs.10,000/- to the respondent. The contention of the petitioner that he, along with his mother, had met the expenses of marriage, was taken into account by the court below to conclude that the petitioner is having sufficient income but he is not disclosing it. So also, the court below took into account the contention of the petitioner that he had been maintaining the respondent during the period when she was residing along with him, to arrive at a finding that the petitioner is capable of maintaining the respondent. It is upon the aforesaid premises that the court below concluded that the petitioner is having sufficient means to pay maintenance at the rate of Rs.10,000/- per month to the respondent. The court below also observed on the basis of the evidence on record that the respondent is not having the means to maintain herself. The physical incapacity of the petitioner as disclosed by the medical records does not assume any relevance, since the finding of the court below about the capability of the petitioner to maintain his wife, is not on the basis of the concept of 'able bodied person'. On the other hand, the court below had analysed the preponderance of probabilities to find that the petitioner is having the means to pay maintenance at the aforesaid rate, but he is concealing such income to try



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whether he could evade from the responsibility to pay maintenance to his wife. In this context, it is worth to note that even as per the version of the petitioner, he had adopted the deceitful tactics of making a matrimonial advertisement for the ostensible purpose of getting a servant, and succeeded in contracting a marriage with the respondent with the full knowledge that he is incapable of performing his conjugal obligations to his wife. After spoiling the life of a lady by resorting to such a dubious method, the petitioner cannot evade from his responsibility to make payment of maintenance to the respondent. Thus, there is absolutely no illegality, impropriety or error in the impugned order of the court below warranting the interference of this Court in revision. Needless to say, this revision petition is devoid of merits

In the result, the revision petition is hereby dismissed.

Sd/-

G. GIRISH, JUDGE

DST