



RPFC NO. 270 OF 2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

THURSDAY, THE 8TH DAY OF OCTOBER 2026 / 16TH ASWINA, 1948

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AGAINST THE ORDER/JUDGMENT IN MC NO.75 OF 2019 OF FAMILY
COURT, KOLLAM

REVISION PETITIONER/COUNTER PETITIONER:

BY ADVS.
SRI.PIRAPPANCODE V.S.SUDHIR
SHRI. AKASH S.
SHRI. GIRISH KUMAR M S
SMT.DEVIKA JAYARAJ

RESPONDENTS/PETITIONERS:



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BY ADVS.
SHRI.KIROSH RAJAN PONNAMBIL
SMT.SIKHA S.NAIR
SHRI.JOSEPH P P

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION
ON 08.10.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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ORDER

A maintenance Order dated 3/12/2022 of the Family Court, Kollam is under challenge in this R.P.F.C.

2. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents. Perused the records.

3. Learned Counsel for the petitioner would submit that a settlement has been arrived at by and between the petitioner/husband and the 1st respondent/wife, in consequence of which, a sum of Rs.10 lakhs was deposited in the name of the 2nd respondent, minor child. It was agreed to by and between the parties that the interest accruing from the deposit can be utilized for the maintenance of the child. According to the petitioner a sum of Rs.7,000/-is the monthly interest being accrued. This component was not properly taken into account, while passing the



impugned Order, with the result, the Order directed the petitioner/husband to pay a maintenance of Rs.15,000/- per month to the 2nd respondent minor.

4. In answer to the same, learned Counsel for the respondents would submit that the 2nd respondent minor is suffering from spondylometaphyseal dysplasia, requiring special attention. The child is presently studying in a School at Trichur, assisted by a shadow teacher. She requires assistance at home, as well. Both the petitioner and the 1st respondent are Doctors by profession, of whom the 1st respondent wife is pursuing post graduate studies, and that she is only receiving a stipend. According to the learned Counsel for the respondents, the petitioner is drawing a salary of Rs.1,25,000/-, and he is employed as Assistant Medical Officer in the Indian Railways, at Kalyan, Mumbai. In such circumstances, the impugned



Order directing Rs.15,000/- to be paid to the minor cannot be treated as excessive. The request of the counsel for the petitioner to deduct Rs.4,800/-, which is received by the 1st respondent towards interest accrued on the deposit is also unjustified, according to the learned Counsel.

5. Having heard the learned Counsel appearing for the respective parties, this Court finds that no interference, whatsoever, is required in the impugned Order. It is true that the 1st respondent/wife had admitted receipt of Rs.4,800/- by way of interest from the fixed deposit made by the petitioner/husband. This aspect has been taken note of by the learned Family Court Judge in paragraph no.13 of the impugned Order. However, this Court notice that maintenance is ordered to the minor child, who is suffering from spondylometaphyseal dysplasia. Needless to say that



such child requires special care and attention. It is not disputed that the child is aged only 11 years.

6. On proof of the salary drawn by the petitioner, respondents rely on the information available in the website of the Indian Railways, pertaining to the particular post. This Court notice that the petitioner has not adduced any contrary evidence, to dispute the same. A person, who is drawing a salary of more than Rs.1 lakh cannot be heard to contend that the maintenance amount of Rs.15,000/- for his child is excessive, especially when such child is a special child suffering from the disease above referred.

7. The petitioner's contention that he remarried another woman, and there is a daughter born in that wedlock, cannot be a legally recognizable defence for reducing the maintenance amount of Rs.15,000/- for the child born in the first marriage. Even if, the 1st



respondent is fetching a sum of Rs.4,800/- towards interest from the deposit made by the petitioner in favour of the minor child, the total maintenance could only become Rs.19,800/- (Rs.15,000 + 4,800) which, in this Court's estimation, is not on the higher side, so as to warrant any interference with the impugned Order.

8. This Court also takes into account the fact that apart from the additional expenditure required for the special care of the child, the child has to be brought up in accord with the standards of the parents, both of whom, are medical professionals. The present cost of living factor also dissuades this Court from interfering with the Order impugned.

9. It was submitted by the learned counsel for the respondents that more than Rs.4 lakhs is pending as



arrears to the respondents. It will be open for the respondents to initiate appropriate action as per law for recovering the arrears. In case the petitioner/husband offers a reasonable amount to be paid on installments to the respondents before the trial court, the trial court will consider the same and pass appropriate Orders, subject to its satisfaction.

10. It was pointed out by learned Counsel for the petitioner that the 1st respondent has penned a letter to the employer of the petitioner alleging non-payment of maintenance, which stands in the way of the promotions due to the petitioner. Once the entire arrears are paid and the petitioner files an undertaking before the trial court to continue to effect payment as directed in the impugned Order, the 1st respondent will issue a letter, withdrawing her



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objections as regards non-payment of maintenance, to the petitioner's employer.

This R.P.F.C will stand disposed of, as above.

Sd/-

C. JAYACHANDRAN

JUDGE

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APPENDIX OF RPFC NO. 270 OF 2023

PETITIONER ANNEXURES

Annexure I	TRUE COPY OF THE PETITION DATED 21.02.2019, FILED BY THE RESPONDENTS, WHICH WAS TAKEN ON FILE AS M.C.NO.75/2019 BY THE FAMILY COURT, KOLLAM
Annexure II	TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN SEPTEMBER 2021 BEFORE THE FAMILY COURT, KOLLAM TO ANNEX.I PETITION
Annexure III	TRUE COPY OF THE RECEIPT DATED 29.07.2023 FROM THE CIVIL REGISTER NO.61, ACKNOWLEDGED BY THE SHERISTADAR, FAMILY COURT, KOLLAM
Annexure IV	A TRUE COPY OF THE DISCHARGE SUMMARY OF THE MOTHER OF THE APPLICANT DATED 23.05.2025
Annexure V	A TRUE COPY OF THE DISCHARGE BILL SUMMARY OF THE MOTHER OF THE APPLICANT DATED 23.05.2025
Annexure VI	A TRUE COPY OF THE IMAGE SHARED BY THE 1ST RESPONDENT OF HER AND THE 2ND RESPONDENT ON 02.02.2026

RESPONDENT ANNEXURES

Annexure R1(a)	TRUE COPY OF THE CERTIFICATE ISSUED BY THE AMRITA HOSPITAL, ERNAKULAM, DEPARTMENT OF PEDIATRIC GENETICS DATED 06.08.2024.
Annexure R1(b)	TRUE COPY OF THE BILL ISSUED BY THE MEDGENOME, KALAMASSERY, ERNAKULAM DATED 30.06.2024.
Annexure-R1(c)	TRUE COPY OF THE MEDICAL REPORT ISSUED BY THE CHRISTIAN MEDICAL COLLEGE, VELLORE DATED 19-11-2021
Annexure-R1(d)	TRUE COPY OF THE CERTIFICATE ISSUED BY THE AMRITA HOSPITAL, ERNAKULAM, DEPARTMENT OF PEDIATRIC GENETICS DATED 11-11-2024



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Annexure-R1(e)	TRUE COPY OF RESEARCH LETTER PUBLISHED BY THE JOURNAL OF CLINICAL GENETICS 2023, PUBLISHED BY JOHN WILEY & SONS ACCEPTED ON 22-11-2023
Annexure-R1 (f)	TRUE COPY OF THE JOURNAL ARTICLE PUBLISHED ONLINE ON 15-11-2021, TITLED 'VARIABLE SKELETAL PHENOTYPES ASSOCIATED WITH BIALLELIC VARIANTS IN PRKG2' AUTHORIZED BY ALISTAIR T PAGNAMENTA, SENIOR RESEARCH FELLOW AND GENOMICS RESEARCHER AT UNIVERSITY OF EXETER
Annexure-R1(g)	TRUE COPY OF THE MEDICAL REPORT DATED 24-09-2025 ISSUED BY DR.V. VINOD KRISHNAN, KIMS HOSPITAL, THIRUVANANTHAPURAM
Annexure-R1(h)	TRUE COPY OF THE CASE SHEET OF THE 2ND RESPONDENT HEREIN FROM GANGA HOSPITAL, COIMBATORE DATED 11-4-2026
Annexure-R1(i)	THE TRUE COPY OF THE PRINTOUT FROM INDIAN RAILWAYS WEBSITE SHOWING THE LIST OF IRHS DOCTORS OF MUMBAI DIVISION DATED 09-03-2026
Annexure-R1(j)	TRUE COPY OF THE ORDER NO.2280/2026/H&FWD DATED 13-07-2026 ISSUED BY THE DEPUTY SECRETARY, MEDICAL DEPARTMENT