



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 18<sup>TH</sup> DAY OF NOVEMBER 2025 / 27<sup>TH</sup> KARTHIKA, 1947

RPFC NO. 321 OF 2025

AGAINST THE JUDGMENT DATED 10.04.2025 IN MC NO.255 OF  
2023 OF FAMILY COURT, KANNUR

REVISION PETITIONER/RESPONDENT:

SUMESH.A,  
AGED 35 YEARS  
S/O.V.V.BALAKRISHNAN, RESIDING AT VADAKKEVEETIL,  
KARIVELLUR, KOOKANAM.P.O., KANNUR, PIN - 670521

BY ADV.SRI.ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS IN MC:

- 1 BABIJA BALAKRISHNAN.M  
AGED 28 YEARS  
W/O.SUMESH A, RESIDING AT MOTTAMMANI HOUSE,  
KANDANKALI, KANDANKALI.P.O, MATHIL,  
PAYYANNUR,ALLAPADAMBA, KANNUR, PIN - 670307
- 2 VAIGA SUMESH  
D/O.SUMESH A, RESIDING AT MOTTAMMANI HOUSE,  
KANDANKALI, KANDANKALI.P.O, MATHIL, PAYYANNUR,  
ALLAPADAMBA, KANNUR MINOR REPRESENTED BY THE MOTHER  
AND GUARDIAN THE 1ST RESPONDENT BABIJA  
BALAKRISHNAN, PIN - 670307

BY ADVS.  
SRI.M.V.AMARESAN  
SRI.S.S.ARAVIND

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY  
HEARD ON 18.11.2025, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:



**CR**

**ORDER**

Dated this the 18<sup>th</sup> day of November, 2025

This Revision Petition (Family Court) has been filed under Section 19(4) of the Family Courts Act, 1984, by the revision petitioner, challenging the grant of maintenance at the rate of ₹6,000/- and ₹3,500/- to the respondents herein, who are the wife and the minor child. The Family Court tried M.C. along with O.P.No.879/2023 and rendered common verdict on 10.04.2025.

2. Heard the learned counsel for the revision petitioner, who is the respondent in the M.C., and the learned counsel appearing for the respondents, who are the petitioners in the M.C.

3. I shall refer the parties in this revision as 'husband', 'wife' and 'child', for convenience.

4. In this case, the wife and child, who are the respondents herein had approached the Family Court and sought for maintenance to them on asserting that they had no means of maintenance and the husband has been employed as an Instructor



in M.E.S. Engineering College and has been earning ₹50,000/- per month as salary. Accordingly, the wife and child claimed ₹15,000/- and ₹5,000/-, respectively for their maintenance including living as well as educational expenses for the minor child.

5. The revision petitioner/husband filed a counter to the M.C. alleging that the wife had her own source of income and also contending that his monthly income was ₹19,574/-, out of which he would require ₹5,000/- per month for his living expenses, including food and accommodation. His further contention was that he had the liability to look after his aged parents and that he also had to remit LIC premiums, vehicle loan instalments, etc., and therefore, the claim for maintenance was liable to be dismissed.

6. The Family Court conducted joint trial of O.P.No.879/2023 and M.C.No.255/2023. PW1 was examined and Exts.A1 to A6 were marked on the side of the husband and RW1 was examined and Exts.B1 to B4 series were marked on the side of the wife.

7. While addressing the contentions on par with the evidence tendered, the Family Court found that as per Ext.A1 salary certificate, the husband had been earning ₹21,554/- as on February



2024, and his net salary shown therein was ₹19,574/-. According to the husband, he had to pay for accommodation required for his employment and also had to pay the vehicle loan EMIs. In this regard, he had placed Ext.A3 series, being the receipts of payment of premium towards the LIC policy, Ext.A4, being the vehicle loan instalment statement issued by HDFC Bank, Ext.A5, account statement, as well as Ext.A6, the original LIC policy certificate.

8. While negating the contention raised by the husband to deny maintenance on the premise of paying vehicle loan, accommodation charges and insurance premium, the Family Court relied on the decision of this Court in **Surendran K. v. Aswin K.S. and another** reported in [2015 (4) KLT 682] and extracted the relevant portion of the judgment, which are reproduced hereunder, and accordingly, rejected the contention:

*"What is contemplated under S.125(1) of the CrPC is 'sufficient means' only and it means, the 'means' to maintain his wife, children and parents. In the case of a salaried employee, what requires to be taken into account under the expression 'means' is his total earning capacity; that is, the gross income. The salaried employee cannot wriggle out of the statutory liability to pay maintenance allowance by way of availing a huge loan and fixing a substantial amount of his salary as monthly installments*



*for repayment. Similarly, it cannot be confined to or limited to net salary, which is getting in hand after various deductions such as GPF, Group Insurance Scheme, LIC Premium, State Life Insurance, GPF loan and various other loans. All the above deductions are long term savings and he will get back the same with attractive interest at the end of his service and he may get some portion of such amounts in advance in accordance with concerned Rules. Therefore, such deductions cannot be deducted or excluded from the consideration of his 'means' to pay maintenance allowance. Put it differently, the term 'means' includes all the savings also. Even if a considerable amount is being deducted toward Provident Fund, General Group Insurance Scheme, LIC Premium, State Life Insurance, GPF loan or any statutory deductions, except income tax or profession tax, that amount cannot be excluded from reckoning sufficient means to pay maintenance allowance to the wife and children or parents. It is for him to control his expenditure and fix the quantum of statutory deduction enabling him to maintain his wife, children and parents, in accordance with their needs, without fail, and he cannot escape from the liability under huge monthly deductions"*

9. In the instant case, it is argued by the learned counsel for the husband that the husband is unable to pay ₹6,000/- and ₹3,500/- awarded as maintenance to the wife and child, from



his limited income. What is discernible, however, is that although the husband had raised a contention before the Family Court that the wife had her own source of income, neither the nature of such source nor the actual income was disclosed, and no evidence has been forthcoming in this regard. Thus, the evidence available would suggest that the wife and child have no independent source of income for their survival, and at the relevant time, the child was studying in LKG. It is true that as per Annexure A1 salary certificate, the net income of the husband is shown as ₹19,574/-. Thus, the question arises for consideration is; *whether availing of loans by the husband and its repayment, payment towards insurance premium, payment towards GPF, SLI, etc., to be reckoned so as to reduce the same from the income while calculating the income of the husband for the purpose of quantifying the maintenance to be paid to the wife or children or both?*

10. In fact, the above payments are to be reckoned as personal savings and those items shall not be reduced from the actual income to quantify the amount of maintenance. It is decipherable that many husbands who are in loggerheads with



their wife and who are liable to pay maintenance to the wife and children, as a tactics, would avail loans, insurance policies and increase payment towards GPF and other modes of savings to reduce the take home salary with a view to reduce the quantum of maintenance amount. This tactics is to be deprecated, and such items shall be counted as the net income of the husband to assess the reasonable maintenance to be paid to the wife and children. Therefore, showing some amounts as deductions from the salary under the above heads, by itself, would not absolve the liability of the husband to canvass reduction in the quantum of maintenance. Thus, the revision petitioner, being husband and father obliged to look after and maintain the wife and child, in terms of Section 125 of the Code of Criminal Procedure, could not wriggle out either from payment of maintenance or from reducing the quantum, mainly on the above grounds.

11. Coming to the amount granted the Family Court, the same is only ₹6,000/- and ₹3,500/- per month, a very nominal rate, which, in fact, quite insufficient to meet the requirements of the wife and child in the present scenario.

12. Therefore, in the instant case, the order of the



Family Court granting ₹6,000/- to the wife and ₹3,500/- to the minor daughter as monthly maintenance, is found to be very reasonable, and the challenge against the said finding is without merit and deserves dismissal.

In the result, this R.P.(FC) is dismissed with a direction to the revision petitioner/husband to clear the arrears, within a period of thirty days. Failing which, the wife and child are at liberty to execute the order, forthwith.

Registry is directed to forward a copy of this order to the Family Court, forthwith.

Sd/-  
**A. BADHARUDEEN**  
**JUDGE**

Bb