

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.4227 of 2015

Date:09.10.2015

Between:

Potluri Brahma Sai,

S/o Koteswara Rao

..... Petitioner

And:

Potluri Venkata Ramanai,

W/o Brahma Sai

.....Respondent

Counsel for the Petitioner: Mr. I.Koti Reddy

Counsel for the Respondent: ---

The Court made the following:

ORDER:

This Civil Revision Petition arises out of order, dated 21.8.2015, in I.A.No.341 of 2015 in HMOP.No.5 of 2015 on the file of the learned Senior Civil Judge, Bapatla.

The petitioner is the husband of the respondent. He has filed HMOP.No.5 of 2015 seeking divorce against the respondent. The respondent has filed I.A.No.341 of 2015 in the said OP under Section-24 of the Hindu Marriage Act, 1955 for grant of monthly maintenance of Rs.10,000/- to herself and Rs.2,000/- to her infant child. In support of the said application, she pleaded that the petitioner possesses a house property at Viswabrahmana Colony, Bapatla and gets a monthly rent of Rs.10,000/- besides getting Rs.5,000/- per month towards rent for a car shed belonging to and leased out by him. She has further stated that the petitioner is

working as Project Officer in District Water Management Agency, Prakasam District (for short 'DWAMA') and drawing a monthly salary of Rs.50,000/-.

The petitioner filed a counter denying that he owns the house property and car shed, as alleged by the respondent. However, he has filed his salary certificate showing that he is getting a sum of Rs.20,716/- per month and pleaded that the respondent has studied B.A., B.Ed., and is working as a teacher in a private school for a monthly salary of Rs.15,000/-.

By the order under revision, the lower Court has partly allowed the petition filed by the respondent by granting monthly maintenance of Rs.5,000/- to her and Rs.1,000/- to her infant child from the date of filing of the said petition till disposal of the HMOP.

Mr. I.Koti Reddy, learned counsel for the petitioner, submitted that though his client was working as Project Officer in DWAMA, due to matrimonial disputes, he resigned on 08.6.2015. In support of his submission, he has filed a copy of the resignation letter addressed by the petitioner to the Project Director, DWAMA.

Though the resignation letter was dated 08.6.2015, the petitioner failed to file the same in the lower Court before it has disposed of I.A.No.341 of 2015 on 21.8.2015. Moreover, the petitioner has not filed proof that his resignation was accepted by the employer. Further, except pleading that the respondent has been working as a teacher in a private school and earning Rs.15,000/- per month, no evidence in support thereof has been filed.

Being the husband, the petitioner has a duty and obligation to maintain his wife. Though the respondent has claimed Rs.12,000/- towards monthly maintenance to herself and her infant child, the lower Court has granted only Rs.6,000/- per month to them, which is hardly sufficient to meet the reasonable expenditure in the present day society afflicted by spiralling inflation. Therefore, I do not find any reason to interfere with the order of the lower Court.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.5603 of 2015 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

09th October 2015

DR