

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**
-
F.C.A.No.330 OF 2012

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

Though the matter is listed under the caption 'Interlocutory', at the request of learned counsel for parties, the appeal itself is heard finally and is being disposed of by this order.

Respondent in F.C.O.P.No.34 of 2012 on the file of Family Court, Kurnool, has filed the present appeal, under Section 19 of the Family Courts Act, 1984, aggrieved by the order and decree, dated 14.10.2012, passed in the said O.P..

Relationship between the parties is not in dispute. Appellant is the husband of the respondent. Alleging that she was necked out from the house and was not maintained by the appellant, respondent filed M.C.No.9 of 1991 seeking maintenance and the same was disposed of by granting maintenance at Rs.300/- per month. Thereafter, the appellant filed O.P.No.33 of 1995 for grant of divorce and the respondent filed M.C.No.24 of 1995 for enhancement of maintenance. While the O.P. filed by the appellant was dismissed, the M.C. filed by the respondent

was disposed of by enhancing the maintenance to Rs.400/- per month. Thereafter, respondent filed O.P.No.45 of 2002, which was referred to Lok Adalat and was disposed of by granting maintenance at Rs.1,600/- per month, and the appellant filed O.P.No.37 of 2009 seeking divorce, but the same was dismissed. On the ground that the cost of living is increased, alleging that the appellant is working as Lab Attendant in Kurnool Medical College, Kurnool, and at the relevant point of time, his gross salary was Rs.23,138/- and net salary was Rs.17,558/-, respondent filed the present O.P. seeking enhancement of maintenance from Rs.1,600/- to Rs.8,000/- per month.

Before the Family Court, on behalf of the respondent, she herself was examined as PW.1 and got marked Exs.A1 and A2. On behalf of the appellant, he himself was examined as RW.1, but no documents were marked.

The Family Court, having considered the evidence on record, by impugned order, dated 14.10.2012, has enhanced the maintenance to Rs.6,000/- per month.

Though it is the case of the appellant that the respondent is getting rents from two houses, from a perusal of the evidence on record, it is clear that the respondent is getting income of Rs.800/- per month as

rent from one house apart from the maintenance amount of Rs.1,600/- awarded by the Lok Adalat. From the evidence on record, it is also clear that at the relevant point of time, appellant's gross salary was Rs.23,138/- and net salary was Rs.17,558/-. Though the respondent claimed maintenance at Rs.8,000/- per month, the Family Court has granted only Rs.6,000/- per month including the amount of Rs.1,600/- granted by the Lok Adalat.

Having regard to the fact that the net salary of the appellant is Rs.17,558/- in the year 2011 and in view of the increase in cost of living, we are of the view that the amount of Rs.6,000/- per month granted by the Family Court towards maintenance to the respondent is just and reasonable and is in conformity with the evidence on record. Hence, we do not find any merit in this appeal, so as to interfere with the impugned order.

Accordingly, the appeal is dismissed. The appellant shall continue to pay maintenance at Rs.6,000/- per month from July, 2015 onwards and the arrears payable as per the impugned order till the month of June, 2015, shall be paid within a period of three months from today, failing which, it is open to the respondent to execute the decree.

Miscellaneous Petitions, if any, pending in this

appeal shall stand closed. No costs.

R.SUBHASH

REDDY, J

A.SHANKAR

NARAYANA, J

June 17, 2015
MD