

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

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CIVIL REVISION PETITION No.2814 of 2015

Between:

Dr.Martha Satyam @ Satyanarayana

.. Petitioner

and

Martha Bindu

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 12.8.2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

1. Whether Reporters of Local
newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may
be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to
Yes/No

see the fair copy of the Judgment?

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

CIVIL REVISION PETITION No.2814 of 2015

ORDER:

This Revision is filed challenging the order dated 15.6.2015 in I.A.No.221 of 2014 in O.P.No.6 of 2013 on the file of the Judge, Family Court, Warangal.

2. The petitioner herein is the husband of the respondent. He filed O.P.No.6 of 2013 before the Family Court, Warangal seeking dissolution of their marriage.

3. Pending O.P., the respondent filed I.A.No.221 of 2014 under Section 24 of the Hindu Marriage Act, 1955 read with 151 C.P.C. seeking interim maintenance of Rs.25,000/- per month alleging that the petitioner is having a lucrative medical practice and is earning more than Rs.1,00,000/- per month from his dental practice, but is failing to provide maintenance to her. She alleged that he completed B.D.S. and M.D.S. and is carrying on dental practice at Hyderabad and is also attending classes at Meghana Dental College, Nizamabad. She stated that presently, she is prosecuting her graduation at Pingle

Women's Degree College, Waddepally and is dependent on her parents, and earlier, after the marriage, she had discontinued her graduation in Physiotherapy at Hunter Road, Hanamkonda.

4. A counter-affidavit was filed by the petitioner opposing the said application admitting that he had completed M.D.S. Course, but stating that he is not a practising Doctor and he had not yet started his practice and is continuing further studies. He claimed that he has no source of income and is not capable of paying any maintenance to the respondent. He alleged that the respondent is doing private job and getting salary of Rs.15,000/- per month and therefore, she is not entitled to any maintenance. He further alleged that the respondent had voluntarily deserted him and had committed adultery and eloped with her paramour and she had also filed a case under Section 498-A I.P.C. against him.

5. Before the Family Court, neither party led any evidence.

6. By order dated 15.6.2015, the said Court allowed I.A.No.221 of 2014 in part and directed the petitioner to pay a sum of Rs.8,000/- per month to the respondent from the date of the petition. It directed the respondent to open a Savings Bank Account in a nationalized bank within 15 days and intimate the details of the account to the

petitioner to enable him to deposit the same into her account on or before of 10th of every succeeding month on line. It rejected the contention of the petitioner that he is not liable to pay maintenance and held that he had a moral obligation to maintain the respondent, who is his wife, and the intention of the legislation is to protect such people from vagrancy and destitution. It held that allegations made by him against the respondent are all matters to be adjudicated in the O.P.

7. Challenging the same, this Revision is filed.

8. Sri S.Chalapathi Rao, learned counsel for the petitioner, contended that the order passed by the Court below is contrary to law and in the absence of any evidence let in by the respondent to show that the petitioner is working and earning a sum of Rs.1,00,000/- per month as alleged by her, it ought not to have granted interim maintenance to the respondent. He also contended that the petitioner - Doctor, though passed M.D.S., does not have sufficient means and is not earning while the respondent is earning a sum of Rs.15,000/- per month.

9. From the facts narrated above, it is clear that the petitioner has completed M.D.S. and is a qualified Dental Surgeon. He has not denied that the respondent is his wife. It is difficult to believe that the petitioner, having

obtained a Master's Degree in Dental Science, is not doing anything and is unable to earn any money to pay maintenance to the respondent. Although the respondent had claimed maintenance at Rs.25,000/- per month from the petitioner, the Court below has awarded only Rs.8,000/- per month to her from the date of the petition. I am of the opinion that the amount awarded by the Family Court to the respondent is reasonable and the petitioner, having admitted that the respondent is his wife, cannot shy away from his responsibility to provide maintenance to her since he has not adduced any evidence to show that she is earning a sum of Rs.15,000/- per month, as alleged by him. Therefore, I do not find any merit in the Revision and the Revision is, accordingly, dismissed. There shall be no order as to costs.

10. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12.8.2015
AMD

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**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**
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DATE: 12.8.2015

AMD