

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

CIVIL REVISION PETITION No.917 of 2014

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ORDER:

The petitioner herein-husband filed H.M.O.P.No.95 of 2011, which is pending before Senior Civil Judge, Kandukur, seeking divorce from the respondent-wife. In the said O.P., the respondent herein filed I.A.No.1867 of 2012 seeking monthly maintenance @ Rs.10,000/- from the date of petition.

The said application was allowed by the court below on 03-01-2014 granting monthly maintenance @ Rs.5,000/- from the date of filing of petition till disposal of main O.P. Aggrieved by the said order, the present revision is preferred.

On 18-10-2014, this Court while issuing notice before admission, directed the petitioner to deposit a sum of Rs.10,000/- towards expenses likely to be incurred by the respondent for defending the present revision. The said order is stated to have been complied with and the respondent is represented by the counsel.

I have heard the learned counsel for the petitioner and the respondent.

Learned counsel for the petitioner points out the averments in the counter and states that the respondent is working as a Teacher and the petitioner has given two storied building to the respondent and she is enjoying rents from two portions and she is staying in one portion. It is also stated that the petitioner has purchased one plot and got registered in the name of the respondent. Apart from that, the petitioner has also deposited an amount of Rs.5,00,000/- in the Punjab National Bank, Ongole Branch and the Fixed deposit receipt is kept in the locker of the respondent. It is also stated that the son of the parties is staying with the respondent and getting salary of Rs.35,000/- per month and as such, the respondent is well provided and does not require any maintenance.

However, those contentions are opposed by the learned counsel for the respondent and stated that the respondent is only a housewife and she has no

source of income. On the contrary, the petitioner is stated to be having landed properties, apart from the job and getting high income. It is also stated that the daughter of the respondent is studying third year MBBS and that she has not yet completed MBBS. In view of that, the respondent counsel urged the Court not to interfere with the impugned order.

The discretion exercised by the court below in awarding interim maintenance and its quantum, on the face of it appears reasonable. Hence, it does not call for interference, particularly in view of the admitted fact that the respondent has no independent source of income and she has to maintain herself and her daughter, who is studying MBBS. The petitioner's contention that he has well provided the respondent is a matter, which can be taken into consideration in the main O.P. Since the main O.P. is stated to be already under trial and is likely to be disposed of shortly, it is not proper to interfere with the impugned order.

Hence, the Civil Revision Petition is dismissed. However, the learned Senior Civil Judge, Kandakur, who is already conducting trial in O.P.No.95 of 2011, shall complete the trial and dispose of the said O.P. expeditiously, preferably by the end of July, 2015. The respondent is permitted to withdraw the legal expenses deposited by the petitioner with the Registrar (Judicial).

The miscellaneous petitions, if any, pending in this civil revision petition shall stand closed. No costs.

VILAS V.AFZULPURKAR, J

Date: 10-04-2015

Prv

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C.R.P.No.917 of 2014

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