

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

**C.R.P. No.2154 of 2015**

**ORDER :**

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dt.23.03.2015 in I.A.No.167 of 2014 in F.C.O.P.No.112 of 2014 of the Judge, Family Court, Warangal.

2. Petitioner herein is the husband of the respondent. He filed the above O.P. for dissolution of marriage, which is pending.

3. The respondent filed I.A.No.167 of 2014 under Section 24 of Hindu Marriage Act, 1955 seeking interim maintenance of Rs.15,000/- per month and also Rs.15,000/- towards legal expenses pending disposal of the O.P. She contended that the petitioner is employed as a Teacher in a Government school; that she is not much educated and is dependent on her parents; and therefore she requires the above amount towards interim maintenance and legal expenses.

4. This was opposed by the petitioner. He contended that on the advise of elders, there was a settlement in which he agreed to pay Rs.4,00,000/- to the respondent if she agrees for divorce by mutual consent and the said amount was also deposited in the respondent's father's account in Andhra Bank, Dilsukhnagar Branch.

5. Reply affidavit was filed by the respondent contending that the petitioner had not deposited any amount in the account of her father.

6. By order dt.23.3.2015, the Court below held that the question whether the petitioner had paid Rs.4,00,000/- to the father of the respondent cannot be taken into consideration at this stage, because the same has been disputed by the respondent. Since the respondent is not educated or employed and since the petitioner is working as a Teacher in a Government school, reasonable amount can be provided to the respondent towards her maintenance. It therefore granted

Rs.3,000/-per month as interim maintenance and Rs.10,000/- towards legal expenses.

7. Challenging the said order, this Revision is filed.

8. Counsel for the petitioner contended that the petitioner had paid Rs.4,00,000/- to the father of the respondent for mutual consent divorce by depositing the amount in the bank account of the respondent's father and that the Court below had not taken the said fact into account while passing the impugned order.

9. No evidence has been adduced by the petitioner before the Court below in the application for interim maintenance in support of the above plea. Since the said allegation made by the petitioner was disputed by the respondent, the Court below was correct in not dismissing the I.A.No.167 of 2014 and granting interim maintenance and legal expenses as mentioned in para 5 above after taking into account the employment of the petitioner as a Teacher in a Government school.

10. Therefore, the impugned order does not suffer from any error of jurisdiction warranting interference by this Court under Article 227 of the Constitution of India.

11. The Civil Revision Petition is therefore dismissed. There shall be no order as to costs.

12. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

---

**M.S.RAMACHANDRA RAO, J**

08<sup>th</sup> July, 2014

gra