

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13678 of 2014

ORDER :

Heard both sides.

2) As rightly pointed out by the lower Court in the impugned order dated 23.07.2014 in M.P. No.1 of 2014 in M.C. No.122 of 2013 on the file of Additional Family Court, Hyderabad, the respondent in MC, who is the husband, did not dispute that he is working and getting salary of minimum of Rs.1,50,000/- per month and the burden is on him viz Section 106 of Evidence Act. No doubt, it is in the averment that the MC petitioner—respondent herein working as Assistant Professor in Oakridge International School, Hyderabad and getting salary of Rs.55,000/- per month. She did not file any documents undisputedly before the Court. Now in the impugned petition, there is a finding to that effect by consideration of both means in awarding maintenance of Rs.15,000/- per month to the wife as an interim measure pending disposal of main M.C.

3) The contention of the learned counsel for the petitioner—respondent in M.C, impugning the order, is that the lower Court did not advert to the factum of respondent herein, though relationship is not in dispute getting salary of Rs.55,000/- per month as Assistant Professor in Oakridge International School, the question of awarding interim maintenance at this stage does not arise, leave about whatever the quantum by considering the means of both in final order that can be passed.

4) Whereas, it is the contention of the respondent that due to her health condition she is unable to move and question of her working as Assistant Professor but for having the qualification, does not arise. The respondent did not deny specifically by stating that she is not working much less never worked by any positive say.

5) Having regard to the above, the conclusion arrived by the lower Court that wife got means by working as Assistant Professor of more than Rs.50,000/- per month and husband got means being IIT professional in software with a salary of minimum Rs.1,50,000/-, thereby in awarding Rs.15,000/- per month that no way requires interference but for to say the observation of the lower Court or this Court in confirming the same no way influence the mind of the Court in deciding the quantum on own merits subject to entitlement to withdraw and lower Court shall permit.

6) The petitioner herein is permitted to pay arrears at Rs.15,000/- per month as awarded in the impugned order of the lower Court in twelve equal monthly installments in addition to the regular interim maintenance.

7) Accordingly, the Criminal Petition is disposed of.

8) Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20.08.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date:20.08.2015

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