

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

CIVIL REVISION PETITION No.928 of 2014

-
-
ORDER:

-
This Civil Revision Petition is filed challenging the order
dt.17-07-2013 in I.A.No.830 of 2013 in O.P.No.1166 of 2013 of the
Judge, Additional Family Court at Hyderabad.

2. The petitioner herein is father of respondent, who is a minor represented by her mother.

3. The O.P. was filed by respondent and her mother under Section 20 of the Hindu Adoption and Maintenance Act, 1956 to direct the petitioner to pay maintenance @ Rs.12,000/- p.m. and also to direct the petitioner to pay to respondent an amount of Rs.4,32,000/- being the arrears of maintenance from September, 2009 to August, 2012 @ Rs.12,000/- p.m.

4. In the O.P., the respondent filed I.A.No.830 of 2013 claiming interim maintenance @ Rs.12,000/- p.m. pending disposal of the O.P. She contended that the yearly fee for her schooling is Rs.35,000/-, her conveyance is Rs.11,000/- per year, that other miscellaneous expenses

of books, dresses etc. is Rs.8,000/- and that she is also attending extra curricular activities i.e. music and dance which require further expenditure of Rs.10,000/- p.m., and the respondent's mother is finding it difficult to maintain her.

5. The petitioner filed a counter stating that he is a private employee at Chennai, that he has to take care of his parents and he is drawing Rs.7,000/- to Rs.8,000/- p.m. He further contended that respondent's mother is employed in an I.T. Company i.e. Mahindra Satyam and she is capable of maintaining the respondent minor and therefore prayed to dismiss the I.A.

6. By order dt.17-07-2013, the Court below held that respondent is daughter of petitioner and although her parents are divorced, obligation to maintain continues to be there with petitioner, who is the natural guardian. It further held that petitioner had not produced any evidence in respect of his plea that he is earning only Rs.7,000/- to Rs.8,000/- p.m. and therefore a sum of Rs.7,500/- p.m. would be reasonable amount of interim maintenance payable to respondent.

7. Challenging the same, this Revision is filed.

8. The learned counsel for petitioner Sri K.Maheswar

Rao contended that both parents of a child are obliged to maintain the child and not just the father of the child and that the Court below erred in accepting the plea of respondent's mother in spite of the fact that she is employed drawing huge salary and the petitioner is drawing very little salary. He also placed relied on the judgment of Supreme Court in **Padmja Sharma Vs. Ratan Lal Sharma**^[1].

9. The learned counsel for respondent Sri V.Srinivas, on the other hand, contended that maintenance was sought for the daughter of petitioner and not for the wife of petitioner, who is now divorced, and that taking into account the status of the parties and the expenses which are likely to be incurred to provide good education and life style to respondent, the Court below had rightly fixed the interim maintenance.

10. I have noted the submissions of both sides.

11. No doubt in **Padmja Sharma** (1 supra), the Supreme Court has held that it is the responsibility of both parents to maintain the minor child and it is not the law that how affluent mother may be, it is the obligation only of the father to maintain the minor. However in the counter affidavit filed by petitioner in the I.A., the petitioner has not

disputed about the allegations made by respondent with regard to expenses being incurred in providing a good education and other facilities to the respondent, who is his own daughter. Having regard to the allegations made in para-6 of the affidavit filed in support of I.A. No.830 of 2013, which have not been specifically denied, undoubtedly the monthly expenditure in maintaining the respondent child would be much more than Rs.7,500/- p.m. Since the mother of the child is said to be employed, the expenses above Rs.7,500/- would undoubtedly be borne by her. The petitioner had not placed any material either before the trial Court or before this Court as to the extent of his income except taking a plea that he is earning Rs.7,000/- to Rs.8,000/- p.m. in a private company. Since undoubtedly the petitioner as the father has also the obligation to maintain his child, he cannot complain about the Court below directing him to pay a sum of Rs.7,500/- p.m. towards interim maintenance to respondent. Therefore there is no error of jurisdiction in the order passed by the Court below warranting interference by this Court in exercise of its power under Article 227 of the Constitution of India.

12. Therefore, this Civil Revision Petition is dismissed.
No costs.

13. As a sequel, miscellaneous petitions pending if any,
in these Revisions shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 04-08-2015

Vsv/*

[\[1\]](#) AIR 2000 SC 1398