

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NOS.3281 AND 3826 OF 2014

DATED 27th FEBRUARY, 2015

C.R.P.No.3281 of 2014

Between:

Budagam Naresh

... Petitioner

and

Budagam Mamatha

... Respondent

C.R.P.No.3826 of 2014

Between:

Budgam Mamatha

... Petitioner

and

Budgam Naresh

... Respondent

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NOS.3281 AND 3826 OF 2014

COMMON ORDER

Both the Civil Revision Petitions arise out of the order dated 11.08.2014 passed by the learned Judge, Family Court-cum-III Additional District and Sessions Judge, Warangal, in I.A.No.114 of 2014 in F.C.O.P.No.117 of 2014. The said I.A. was filed by the wife under Section 24 of the Hindu Marriage Act, 1955 read with Section 10 of the Family Courts Act, 1984 for grant of interim maintenance of Rs.15,000/- per month along with Rs.50,000/- towards medical bills and delivery expenses and Rs.20,000/- towards litigation expenses.

By the order under revision, the Family Court awarded maintenance of Rs.5,000/- per month to the wife along with Rs.25,000/- towards medical and delivery expenses and Rs.10,000/- towards litigation expenses. Both parties, being aggrieved, are before this Court.

C.R.P.No.3281 of 2014 was filed by the husband, while C.R.P.No.3826 of 2014 was filed by the wife. The bone of contention between the parties is the quantum of maintenance and other expenses awarded by the Family Court.

Miss Pingali Lakshmi, learned counsel for the petitioner-wife in C.R.P.No.3826 of 2014, specifically contended that though documents were placed before the Family Court along with the I.A., the same were not considered, as is evident from the order under revision which reflects that exhibits marked were nil. This Court therefore directed the Family Court, Warangal, to send the entire record pertaining to F.C.O.P.No.117

of 2014 and I.A.No.114 of 2014 filed therein.

Today, the record furnished by the Family Court is placed before this Court. Perusal thereof reflects that along with I.A.No.114 of 2015, the wife filed a set of documents which not only included material relating to the medical expenses of the wife but also the alleged payments said to have been received by the husband from the Northern Power Distribution Company Limited. The running account of the payments so made seems to have been filed by the wife. But surprisingly, the Family Court completely ignored these documents and decided upon the quantum of maintenance without any basis whatsoever.

It was for the Family Court to take necessary steps to take on record the documentary evidence sought to be relied upon by the wife and thereafter decide on the issue of the quantum of maintenance.

As the Family Court failed to do so, this Court is constrained to set aside the order dated 11.08.2014 passed by the Family Court, Warangal, and remit the matter to the said Court for consideration afresh in terms of this order. Keeping in mind the fact that the issue involved relates to the maintenance payable to the wife pending the husband's divorce O.P., the Family Court is directed to dispose of the I.A. expeditiously and preferably, within four weeks from the date of receipt of a copy of this order. Office is directed to remit the original record pertaining to the case to the Court below immediately.

The Civil Revision Petitions are accordingly disposed of. Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

27th FEBRUARY, 2015

Note: Issue C.C. by 02.03.2015.

B/o Svv