

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

CIVIL REVISION PETITION No.3071 of 2015

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ORDER:

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This Civil Revision Petition is filed challenging the order
dt.23-06-2015 in I.A.No.1036 of 2014 in F.C.O.P.No.514
of 2014 of the Family Court-cum-V Additional District and
Sessions Judge, Visakhapatnam.

2. The petitioner herein is husband of respondent. The
petitioner filed the said F.C.O.P. for dissolution of his
marriage with respondent.

3. The respondent then filed I.A.No.1036 of 2014
under Section 24 of the Hindu Marriage Act, 1955 seeking
interim maintenance during pendency of the O.P. from the
petitioner @ Rs.30,000/- per month together with
Rs.20,000/- towards litigation expenses.

4. In the said application, she alleged that petitioner
had taken away all the gold, silver articles and her clothes,
vacated the matrimonial home on 16-03-2014 all of a
sudden and did not hand them over to her. She alleged
that he is working as Senior Manager in HPCL Refinery
at Visakhapatnam drawing gross salary of Rs.1,50,000/-

p.m., but he did not maintain her.

5. The petitioner alleged that respondent stole 20 tolas of gold ornaments and sold them away and with that money, bought a motor cycle, gold, clothes and other gifts to one Krishna, who was their neighbour. He also alleged that respondent threatened to implicate him in criminal cases and she was also in the habit of beating the petitioner.

6. Along with the counter, the salary slip of petitioner showing his earnings and deductions was filed.

7. Basing on the same, the Court below granted interim maintenance to respondent @ Rs.15,000/- p.m. and litigation expenses of Rs.5,000/- holding that since the parties are still married, pending O.P., the respondent is entitled to be maintained by petitioner.

8. Challenging the same, this Revision is filed.

9. The learned counsel for petitioner Sri S.Sridhar contended that after deductions, the pay of petitioner is only Rs.37,610/- and the petitioner had to maintain his aged parents also and therefore the quantum of interim maintenance be reduced from Rs.15,000/- to Rs.10,000/-.

10. I am unable to agree with the said submission. The

gross income of petitioner is Rs.74,341/-. He has taken certain advances in respect of which there are deductions from his salary by his employer apart from statutory deductions. I am of the considered opinion that the Court below had rightly fixed the interim maintenance appropriately keeping in view the gross salary of petitioner and not taking his net salary after deductions towards the advances, into account. There is no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

11. Therefore, the Civil Revision Petition is dismissed.
No costs.

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

JUSTICE M.S. RAMACHANDRA RAO

Date: 05-08-2015

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