

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

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**CIVIL REVISION PETITION No.1118 of 2015**

**ORDER:**

This Revision is filed challenging the order dated 28.10.2014 in I.A.No.477 of 2014 in O.P.No.1342 of 2013 on the file of Family Court, Ranga Reddy District.

2. Petitioner herein is the husband of the respondent therein. He filed the O.P. seeking dissolution of their marriage under the provisions of Divorce Act, 2001. While the said O.P. is pending, the respondent herein filed I.A.No.477 of 2014 under Section 36 of the Divorce Act seeking interim maintenance at the rate of Rs.15,000/- each to her and her minor son, pending disposal of the O.P.

3. In the affidavit filed in support of the said application, the respondent alleged that the petitioner is highly educated person and doing job as Administrative Officer in W.L.C. College of Management and drawing salary of more than Rs.60,000/- per month and he has sufficient means to pay maintenance at the rate of Rs.15,000/- per month to the respondent and Rs.15,000/- per month to her son.

4. Counter-affidavit was filed by the petitioner to the

said application stating that he lost his job in W.L.C. College of Management. He has stated that he was not drawing Rs.60,000/- per month as salary. He contended that on account of cruelty meted to him by the respondent, he had to file the O.P. He claimed to be living at the mercy of his friends and relatives and on hand loans.

5. By order dated 28.10.2014, the Court below allowed the said I.A. and awarded a sum of Rs.10,000/- to the respondent and Rs.5,000/- to her son towards their maintenance *pendent elite* and directed the petitioner to pay the same from the date of filing of I.A.

6. Challenging the same, this Revision is filed.

7. Learned counsel for the petitioner contends that the petitioner has lost his employment and he is eking out his livelihood by working as LIC agent and he does not have any means to comply the Court order. Learned counsel for the respondent disputes the said facts.

8. It is pertinent to note that on 27.03.2015 while ordering notice in this revision, this Court passed the following order :-

“Pending further orders, there shall be stay of all further proceedings in pursuance of order dated 28.10.2014 in I.A.No.477 of 2014 in O.P.No.1342 of 2013 on the file of the learned Judge, Family Court, Ranga Reddy District, subject to the petitioner depositing to the credit

of the O.P. arrears @ Rs.5,000/- per month from the date of petition till the end of October 2014 within one month from today. The petitioner shall also continue to deposit the monthly maintenance @ Rs.5,000/- from March 2015 on or before 5<sup>th</sup> of every succeeding month.”

It is stated by both sides that a sum of Rs.30,000/- has been paid by the petitioner to the respondent. Learned counsel for the petitioner has pointed out that time to comply with the order and pay the arrears has been sought in CRPMP No.2440 of 2015.

9. In the impugned order, the Court below while referring to the pleadings of both sides stated that considering the material on record, it is awarding a sum of Rs.10,000/- to the respondent and Rs.5,000/- to her son towards monthly maintenance *pendent elite*. No evidence is marked on either side in the said IA. It appears that without any material being filed by the respondent to establish that the petitioner is earning Rs.60,000/- per month, the impugned order has been passed.

10. Therefore, I am of the opinion that the said order cannot be sustained. It is accordingly set aside and the Civil Revision Petition is allowed. I.A.No.477 of 2014 is remitted back to the Family Court, L.B. Nagar, Ranga Reddy District to give opportunity to both sides to lead evidence in the said IA and to decide the same within four

weeks from the date of receipt of a copy of this order. In the meantime the petitioner shall pay at the rate of Rs.5,000/- per month from the date of filing of I.A.No.477 of 2014 to the respondent and the arrears upto date, if any, shall be paid within one month from today. This payment shall be subject to orders which may be passed by the Family Court while deciding I.A.No.477 of 2014 afresh. In view of the orders passed by the revision, no orders are required in the CRPMPs.

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

June 17<sup>th</sup>, 2015.  
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