

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1657 of 2015

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ORDER :

This civil revision petition is filed under Article 227 of the Constitution of India, aggrieved by the common order dated 19.11.2014, passed by the Family Court, Hyderabad, in I.A.Nos.630 and 631 of 2011 in O.P.No.1487 of 2010.

The aforesaid O.P.No.1487 of 2010 is filed by the respondent/wife, for grant of decree of divorce by dissolving her marriage with the petitioner, performed on 05.12.2005, for custody of their son and to award maintenance amount to the son and permanent alimony to her. Pending the aforesaid O.P., the petitioner herein has filed I.A.No.630 of 2011, seeking interim custody of child during school vacations and for visiting rights at week-ends, whereas, the respondent/wife has filed I.A.No.631 of 2011 for award of Rs.50,000/- per month towards school fee and maintenance of their son and another Rs.50,000/- towards legal expenses. The trial Court, on considering the material on record, by impugned order dated 19.11.2014, allowed I.A.No.630 of 2011 in part, granting visiting rights to the petitioner herein on every 3rd Saturday and 3rd Sunday of the month between 2 and 5 p.m. I.A.No.631 of 2011 is also allowed in part, directing the petitioner herein to pay an amount of

Rs.15,000/- per month towards interim maintenance to the son from the date of petition. Aggrieved by the said common order, the husband has filed this revision.

Heard learned counsel for the parties.

In this revision, it is contended by the learned counsel for petitioner that the respondent is working and is earning a salary of Rs.1,00,000/- per month, whereas, the petitioner is earning only Rs.70,000/- per month, and further, as the respondent herself has filed the petition for divorce though the petitioner is willing to live together, he need not pay any maintenance to her. It is stated that as the petitioner is staying at Kolkata, it is difficult for him to come to Hyderabad on every 3rd Saturday and 3rd Sunday of the month to see his son. While contending that the petitioner is ready to look after the respondent and her son if they join him at Kolkata, he prayed for setting aside the order of the trial Court granting maintenance of Rs.15,000/- per month.

On the other hand, it is contended by the learned counsel for respondent that after considering the facts and circumstances of the case, the trial Court has granted maintenance amount of Rs.15,000/- per month to the child and hence, there is no ground to interfere with the said order.

In this case, it is not in dispute that the petitioner is working as a Manager in a Bank and even according to his own contentions, he was drawing salary of more than

Rs.70,000/- per month at the time of filing O.P. Therefore, this Court is of the view that the amount fixed at Rs.15,000/- for maintenance of his son who is undisputedly joined in a reputed school at Hyderabad, is just and reasonable and I do not find any ground to interfere with the same.

However, the petitioner is granted two weeks' time from today for payment of half of the arrears amount and on such payment, further time of six weeks is granted thereafter, to pay the balance arrears amount. It is made clear that the petitioner shall continue to pay Rs.15,000/- per month towards current maintenance without default.

Subject to the above directions, the civil revision petition is disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

23rd June 2015

N.B:

Issue C.C. by 29.06.2015.

(b/o)

ajr