

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Civil Revision Petition No.3605 of 2015

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam, in I.A.No.312 of 2015 in FCOP No.1258 of 2014 dated 01.07.2015.

The petitioner herein is the respondent in the I.A. and the petitioner in the FCOP. He filed the FCOP seeking divorce against the respondent herein. I.A.No.312 of 2015 was filed by the respondent herein, under Section 24 of the Hindu Marriage Act, 1955, for grant of interim maintenance of Rs.10,000/- per month and Rs.25,000/- towards legal expenses.

By the order under revision, the Court below granted interim maintenance to the respondent herein of Rs.4,000/- p.m. from the date of the petition, and directed the petitioner herein to pay Rs.5,000/- towards legal expenses. The Court below observed that the marriage took place as per caste customs and religious rites; the respondent herein had alleged that the petitioner had vices; the petitioner herein had, in turn, alleged that the respondent used to run private chits; the present petition is for interim maintenance; no oral or documentary evidence was adduced before the Court; while the petitioner herein claims to be a carpenter, the respondent herein had alleged that he was a contractor having sufficient income; and, as there was no documentary evidence to show that the wife was conducting private chit business, she was entitled for grant of interim maintenance of Rs.4,000/- per month from the date of petition; and she be paid Rs.5,000/- towards legal expenses.

Except for a bald and vague assertion that the respondent herein was carrying on private chit business, no documents have been filed by the petitioner herein, either before the Court below or before this Court, to substantiate this plea. When considered in the light that both the parties are residents of Visakhapatnam, a major city where the cost of living is high, the order of the Court below, granting interim maintenance of

Rs.4,000/- per month, is itself meagre. The jurisdiction which this Court exercises, under Article 227 of the Constitution of India, is supervisory and, save substantial injustice being caused to the petitioner, this Court would refrain from interference. The order under revision cannot be said to have caused substantial injustice to the petitioner herein, for grant of monthly maintenance of Rs.4,000/- per month, in a major city like Visakhapatnam, is hardly sufficient for the respondent to survive. The order under revision does not necessitate interference in proceedings under Article 227 of the Constitution of India.

The Civil Revision Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions, if any pending, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

Date:04.09.2015.
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