

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2114 of 2015

—

Dated 12.06.2015

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Between:

Gundreddy Devie Surendra Babu

...Petitioner

and

Smt.Gundreddy Madhu Latha

...Respondent

Counsel for the Petitioner: Mr.Moshe Marpu

Counsel for the respondent: None appeared

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 28-01-2015, in IA.No.1097 of 2012 in HMOP.No.22 of 2009, on the file of the Court of the learned Senior Civil Judge, Bapatla.

The petitioner has filed the above-mentioned OP for annulment of his marriage with the respondent. In the said OP, the respondent has filed IA.No.1097 of 2012 under Section 24 of the Hindu Marriage Act, 1955, for a direction to the petitioner to pay a sum of Rs.5,000/- per month towards interim maintenance and a sum of Rs.10,000/- towards legal expenses to her. The petitioner has contested the said application. By Order, dated 28-01-2015, the lower Court has allowed the said application to the extent of monthly maintenance.

The learned Counsel for the petitioner submitted that his client is unemployed and that he has no source of income.

A perusal of the pleadings of the parties before the lower Court would show that, while the respondent has pleaded that at the time of her marriage, the petitioner was earning a salary of Rs.13,000/-, and that thereafter, she came to know that he is earning more than Rs.30,000/- per month, in his counter-affidavit, the petitioner has denied his earning salary of Rs.30,000/- per month and pleaded that the burden to prove the said fact lies on the respondent. He has also pleaded that he is unemployed and that he is eking out his livelihood through the petty pension being earned by his mother.

The tenor of the counter-affidavit, filed by the petitioner, does not inspire confidence. In the first place, he has not specifically asserted that he is not doing any work at all. There is no presumption that every unemployed person would be sitting idle without doing any work and earning money. Secondly, though the petitioner has admitted that his mother is getting pension, he has not specified the amount of pension in the counter-affidavit. While denying that he is getting a monthly salary of Rs.30,000/-, he has pleaded that the burden is on the respondent to prove the said plea.

At the hearing, the learned Counsel for the petitioner

submitted that his client is doing some labour work.

It is common knowledge that, for making out a decent living, one needs a minimum of Rs.5,000/- per month, considering the present day cost of living. Therefore, the lower Court is justified in awarding the sum of Rs.5,000/- per month towards interim maintenance in favour of the respondent.

For the above-mentioned reasons, I do not find any material illegality or jurisdictional error in the order of the lower Court warranting interference of this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

The Civil Revision Petition is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.2809 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 12th June, 2015

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