

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.5084 of 2016

Date:28.10.2016

Between:

Dumpala Venkatagiri,
S/o Late Rama Rao

..... Petitioner

And:

Dumpala Lavanya,
W/o Dumpala Venkata Giri

....Respondent

Counsel for the petitioner: Mr. Virupaksha Dattatreya



The Court made the following:

ORDER.

This Civil Revision Petition arises out of order, dated 28.7.2016, in I.A.No.515 of 2016 in O.P.No.918 of 2015 on the file of the learned Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam.

I have heard Mr. Virupaksha Dattatreya Gowda, the learned counsel for the petitioner, and perused the record.

The petitioner has filed the afore-mentioned O.P. for dissolution of his marriage with the respondent. Pending the O.P., the respondent filed I.A.No.515 of 2016 under Section-24 of the Hindu Marriage Act, 1955 (for short 'the Act') for grant of maintenance at the rate of Rs.30,000/- per month for herself and her minor child. The trial Court while declining to grant maintenance to the child, however, has partly allowed the said I.A. by granting maintenance at the rate of Rs.12,000/- per month in favour of the respondent. In its order, the lower Court observed that under Section-24 of the Act, maintenance for children cannot be claimed and that the Court before whom either the DVC or MC is pending may consider the granting of *pendente lite* maintenance.

The learned counsel for the petitioner submitted that while his client has no objection for payment of Rs.12,000/- per

month towards maintenance to the respondent and the child, he seriously apprehends that the respondent may file a separate application claiming maintenance for the child based on the afore-mentioned observations of the lower Court.

In support of his plea that in an application filed under Section-24 of the Act, the Court can award maintenance for both the wife as well as the child by taking into consideration Section-26 of the Act, he has placed reliance on the judgment of a Division Bench of this Court in *Kattamanchi Appa Rao Vs. Kattamanchi Paradesamma*.¹

In my opinion, the issue raised by the petitioner in this Civil Revision Petition need not be adjudicated for, the same is based on an apprehension that the respondent may claim maintenance for her child also. In the event, the respondent makes such a claim based on the observations of the lower Court, the petitioner shall be free to raise the afore-mentioned grounds based on the judgment of the Division Bench in *Kattamanchi Appa Rao* (supra). In such event, the Court concerned shall decide the said issue without being influenced by the observations made by the lower Court in the order under revision.

¹ 1972 LawSuit (AP) 182

Subject to the above observations and directions, the Civil Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.6590 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

28th October 2016

DR

