

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.4321 & 4237 of 2015

COMMON ORDER :

Pending disposal of F.C.O.P. No.53 of 2015 filed against the husband by the wife for her and for their minor son with her aged 9 years. She filed I.A. No.40 of 2015 seeking interim maintenance before the Family Court, Hyderabad. After hearing both sides by the impugned order dated 09.07.2015, the learned Judge, Family Court awarded interim maintenance of Rs.20,000/- per month to the wife and the minor son. It is impugning said quantum by the husband as excessive and by the wife as utterly low, they both filed the two revision petitions. Both the revisions are taken up together. Heard and perused the material on record.

2) The gross salary of the husband is about Rs.1,38,730/- as on April, 2015 is not in dispute but for his showing Rs.51,000/- deduction mainly towards bank loan by relying on the so called statement of the wife of he availed a personal loan of Rs.15,00,000/- from the bank, the particulars not even furnished by him. There is nothing to show though orally before the revision Court it is submitted of his parents are also dependants, while the other side submission of the father of the respondent-husband is a pensioner to maintain himself and his wife and thereby i.e., the parents of her husband are not

dependants on him. All these aspects require evidence by full-dressed trial before the family Court, but for to consider prima facie from available material on record supra to arrive the quantum of interim maintenance by some guess work.

3) Having regard to the above, to subserve the ends of Justice, without prejudice to the respective contentions of both the parties to agitate before the trial Court for full dressed trial and to decide ultimately, from the factual matrix inevitably to say, what is awarded of Rs.20,000/- per month since utterly low, it is just to enhance to Rs.35,000/- per month allowing six months time to pay all the arrears, failing which to recover through process of law. The attachment of salary is raised so as to clear the arrears in the mean time, failing which the remedy is left open to the wife and child to execute or to ask for striking out the defence of the respondent in the maintenance case.

C.R.P. No.4321 of 2015:

4) In the result, the revision is dismissed.

C.R.P.No. 4237 of 2015:

5) In the result, the revision is partly allowed by enhancing the interim maintenance from Rs.20,000/- per month to Rs.35,000/- per month. The respondent shall pay all the arrears within six months from the date of

receipt of this order. On failure of arrears within six months, the petitioners are entitled to recover through process of law. The attachment order of maintenance is raised to make the respondent to pay all the arrears. There shall be no order as to costs.

6) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

30.08.2016
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