

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.4323 of 2016

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Judge, Family Court at Secunderabad in I.A.No.271 of 2015 in F.C.O.P. No.381 of 2014 dated 17.06.2016.

By the order under revision, the Court below directed the petitioner herein to pay Rs.10,000/- per month as maintenance to the minor child from the date of the petition till disposal of the main case. The petitioner herein was directed to pay the arrears within two months from the date of the order, and to pay future interim maintenance, as directed, by the 10th of every month from July, 2016 onwards. The Court below noted that the petitioner herein had admitted that the child was his; he was working in Infosys, Bangalore and was drawing a gross salary of Rs.98,564/-, and a net salary of Rs.89,559/-, by February, 2016; and interim maintenance of Rs.10,000/- should, therefore, be paid to the minor child.

Smt.K.Savithri Devi, Learned Counsel for the petitioner, would submit that the respondent herein is also working as Senior Financial Analyst in Novartis Health Care Pvt. Ltd; she is drawing a gross salary of Rs.61,751/-, and a net salary of Rs.56,107/-; as the child is just a little more than three years of age, the amount directed to be paid as interim maintenance is excessive; and, in any event, the respondent herein was getting

a huge amount as salary, and was in a position to comfortably maintain the child.

The fact that the petitioner herein is the father of the child is not in dispute. The Court below has not directed him to pay interim maintenance to the respondent-wife, but to their minor child aged 3 years. While the petitioner herein is drawing a net salary of Rs.89,559/- per month, the respondent's net salary is about Rs.56,107/-. In such circumstances the order of the Court below, directing the petitioner herein to pay Rs.10,000/- per month to the minor child, cannot be said to be so patently illegal, or to have resulted in substantial injustice, as to necessitate interference by this Court in proceedings under Article 227 of the Constitution of India. I see no reason, therefore, to interfere with the order passed by the Court below.

The Civil Revision Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:09.09.2016.

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