

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.6641 of 2012

ORDER:

The husband filed this civil revision petition under Article 227 of the Constitution of India assailing the orders dated 27.11.2012 of the learned Senior Civil Judge, Yellamanchili passed in IA.no.403 of 2012 in HMOP.no.22 of 2012 filed by the wife seeking interim maintenance and legal expenses.

2. I have heard the submissions of the learned counsel for the revision petitioner/husband. None appeared for the respondent/wife. I have perused the material record.

3. The aforementioned interlocutory application filed by the wife was resisted by the husband. The trial Court, on merits, had allowed the petition and granted interim maintenance and also legal expenses. The operative portion of the order of the Court below reads as under:

'In the result, petition is allowed, granting travel expenses Rs.250/- whenever she attends the Court and legal expenses Rs.1,000/- and maintenance of Rs.5,000/- per month, pending disposal of the main petition.'

[Reproduced verbatim]

4. The case of the aggrieved husband is that there is a customary divorce between the parties in the year 1996 and that the parties are living separately by mutual consent for more than one and a half decade and that the wife is working as a Teacher since 1987 and is earning substantial amount which is sufficient for her maintenance and is, therefore, capable of maintaining herself and that there is no need to grant any maintenance and that the maintenance proceeding filed by the wife in MC.no.6 of 2011 under Section 125 of the Code of Criminal Procedure was dismissed by the learned Judicial Magistrate of First Class, Yellamanchili and that in the facts and

circumstances and in the light of the fact that the wife's request for awarding maintenance was refused by the learned Magistrate, the Court below ought not to have granted interim maintenance to the wife.

5. This Court, on 15.03.2013, while ordering notice before admission, granted interim stay on condition that the husband shall pay maintenance at the rate of Rs.2,000/- per month effective from March, 2013.

6. At the hearing, it is submitted that the HMOP is now at the stage of arguments and that the arguments on the side of the husband are already heard and that, therefore, the OP is likely to be disposed of within a short time. It is also the submission that the amount stated in the interim order of this Court is being paid by the husband to the wife and that if the interim order passed by this Court is made the final order that would sub-serve the ends of justice.

7. Having regard to the facts and circumstances of the case and in view of the submissions made before this Court, this Court is of the considered view that there is no need to deeply examine the merits of the matter at this stage and that the revision petition can be disposed of by making the interim order as the final order as such a course would meet the ends of justice.

8. Accordingly, recording the submissions, the revision petition is disposed of in terms of the interim order passed by this Court on 15.03.2013 pursuant to which the husband is paying Rs.2,000/- per month to the wife from March, 2013 onwards. It is needless to state that the husband shall continue to pay the said amount to the wife till the final disposal of the OP by the Court below. However, the Court below shall dispose of the OP on merits and in accordance with the procedure established by law as expeditiously as possible and preferably within one (01) month from the date of the receipt of a copy of this order.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

3rd June, 2016
Vjl

M. SEETHARAMA MURTI, J