

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION NO.3484 OF 2016

ORDER:

This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Family Court, Hyderabad in I.A.No.126 of 2016 in O.P.No.1061 of 2015 dated 29.04.2016. The respondents herein filed I.A.No.126 of 2016 under Section 24 of the Hindu Marriage Act seeking maintenance of Rs.20,000/- per month for the first respondent herein and Rs.10,000/- for her child, i.e. the second respondent, towards maintenance and educational expenses; and Rs.25,000/- towards legal expenses. By the order under revision, the Court below denied the first respondent herein maintenance, but fixed the maintenance payable to the second respondent at Rs.10,000/- per month from the date of the petition, and in addition granted Rs.10,000/- towards legal expenses.

In the order under revision, the Court below has recorded that the revision petitioner owns three residential properties; Ex.P9 showed that the first respondent herein earned a monthly salary of Rs.6,000/- per month; the income of the revision petitioner and the first respondent could be reckoned at Rs.20,000/- and Rs.6,000/- per month respectively; the first respondent could not be expected to shoulder the entire responsibility of bringing up the child as the revision petitioner (father) was equally responsible for the same; and, in such circumstances, maintenance of Rs.10,000/- per month for the child was justified.

The fact that the second respondent herein is the child of the revision petitioner herein is not in dispute. It is also not in dispute that the revision petitioner owns three residential properties in Hyderabad. The Court below has denied maintenance to the first respondent, and has only granted maintenance to the minor child. As has been rightly observed by the Court below, the revision petitioner, as the father of the child, has an equal responsibility to provide for his education and

other needs. Fixation of monthly maintenance of Rs.10,000/- in a large city like Hyderabad, cannot be said to be an order which suffers from a patent illegality necessitating interference in proceedings under Article 227 of the Constitution of India. I see no reason, therefore, to interfere.

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

(RAMESH RANGANATHAN, J)

22nd July 2016

RRB