

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.4906 of 2016

ORDER:

This Civil Revision Petition is filed questioning the Order dated 30.06.2016, passed by the learned Senior Civil Judge, Kovur, in I.A.No.102 of 2014 in H.M.O.P.No.43 of 2013, is challenged before this Court by the petitioner.

2) The petitioner filed H.M.O.P.No.43 of 2013 for Divorce before the Senior Civil Judge Court, Kovur, seeking dissolution of the marriage with the respondent. Pending disposal of the H.M.O.P., the respondent filed an application i.e., I.A.No.102 of 2014, seeking to grant interim maintenance. It is the case of the respondent-wife that petitioner is running a Mangalavayidyalu Troop as a Manager and earning Rs.30,000/- per month, apart from that he has also a house and landed property and getting income of Rs.1,00,000/- per annum. Further, the petitioner is having cash of about Rs.5,00,000/- and doing money lending business also, whereas, she has two kids and she is staying with her mother and eking out her livelihood with the support of her mother. The said I.A. was resisted by the petitioner. It is the contention of the petitioner that the respondent is earning Rs.200/- per day as a coolie apart from that she has 50 cents of land and she has also agriculture income and further she is living in adulterous life, as such she is not entitled for grant of any maintenance. The Court below having taken into consideration of the respective submissions had allowed the said petition and granted maintenance of Rs.1,500/- per month as an interim maintenance from the date of filing of the

petition till disposal of the main case and also to pay litigation expenses of Rs.5,000/-.

3) Having heard the learned counsel for the petitioner and having perused the record, it may be noted that the factum of respondent's specific averment that petitioner is a Bandmaster and earning Rs.30,000/- per month has not been denied by the petitioner in the counter affidavit except making a general denial. On the other hand the petitioner had stated, though in the different context, that on account of his avocation he would be travelling to various places for attending to the functions which goes to support that the petitioner is an earning member and has income, if not to the extent what the respondent had stated but a definite income to some extent. The Court below had allowed a meager sum of Rs.1,500/- per month and the said amount is barely sufficient to support one person, the amount granted being reasonable, the impugned order does not call for any interference.

4) Accordingly, this Civil Revision Petition is dismissed. However, the petitioner is granted four weeks time for payment of arrears of the amount ordered by the Court below along with the costs. There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall also stand dismissed.

JUSTICE CHALLA KODANDA RAM

Date:02.12.2016
Ssv