

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CIVIL REVISION PETITION No.3026 OF 2016

ORDER:

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Heard Sri M.V. Suresh, learned counsel for the petitioner and Sri B. Jayakar, learned counsel for the respondent and, with their consent, the revision is disposed of at the stage of admission. This revision, under Article 227 of the Constitution of India, is preferred against the order passed by the Additional Family Court, Hyderabad, in I.A.No.493 of 2014 in O.P.No.1319 of 2013 dated 27.01.2016.

The application in I.A.No.493 of 2014 was filed under Section 36 of Divorce Act, 1869 for pendente lite maintenance of Rs.20,000/- per month, and Rs.10,000/- towards legal expenses. By the order under revision, the Court below observed that the petitioner herein had suppressed his actual salary; he had mentioned that his take home salary was Rs.23,000/- without filing the salary certificate; though he had stated that the respondent herein was working in a school, no documentary evidence was adduced in this regard; and, therefore, the respondent herein was entitled to pendente lite maintenance. The monthly maintenance was fixed at Rs.20,000/- for both the respondent and her daughter, and Rs.10,000/- was fixed towards legal expenses.

Sri M.V. Suresh, learned counsel for the petitioner, would submit that the Court below had erred in holding that the petitioner had not filed any evidence in support of his plea that his take home pay was Rs.23,000/- when, in fact, a memo was filed to that effect, along with the copy of the salary certificate. Learned counsel would draw attention of this Court to the pay slip for the month of December, 2015, which he claims was filed along with the memo.

A perusal of the pay slip shows that the gross salary of the

petitioner herein is Rs.38,200/- and, after deducting Rs.1,800/- towards Provident Fund, his net pay is Rs.36,400/-. It does appear that the Court below did not notice a copy of this pay slip. While Sri B. Jayakar, learned counsel for the respondent, would contend that the maintenance granted by the Court below is reasonable, as the respondent is not only required to maintain herself but also her five year old child, considering the fact that the net salary of the petitioner is Rs.36,400/-, and he also has to survive, I consider it appropriate to modify the order passed by the Court below and direct the petitioner herein to pay maintenance of Rs.15,000/- per month from the date of the petition filed before the Court below. I, however, see no reason to interfere with the order passed by the Court below directing payment of legal expenses of Rs.10,000/-. The petitioner shall pay the arrears of monthly maintenance, from the date of the petition till date, within four weeks from today. He shall pay monthly maintenance of Rs.15,000/- thereafter by the 5th of the succeeding month. He shall also pay the sum awarded by the Court below towards legal expenses of Rs.10,000/- within four weeks from today.

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

(RAMESH RANGANATHAN, J)

Date: 15.07.2016

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