

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

C.R.P.No.2599 OF 2016

ORDER:

This revision petition is filed by the petitioner/husband under Article 227 of the Constitution of India challenging the order dated 17.02.2016 passed by the Judge, Additional Family Court, Hyderabad in I.A.No.617 of 2015 in O.P.No.771 of 2014 awarding maintenance of Rs.20,000/- per month to the respondent herein besides awarding Rs.5,000/- towards legal expenses.

The petitioner herein is the husband and respondent herein is the wife.

The case of the petitioner is that the respondent herein filed O.P under Section 13-1A of the Hindu Marriage Act for dissolution of marriage with false and baseless allegations along with the petition filed interlocutory application claiming maintenance of Rs.20,000/- per month and Rs.5,000/- towards legal expenses, contending that she is residing with her parents along with her minor child totally depending upon her parents having no other source of income to maintain her and her minor child and that the petitioner herein is working in a private bank and presently drawing Rs.45,000/-. Hence, prayed for maintenance of Rs.20,000/- per month and Rs.5,000/- towards legal expenses.

The petitioner herein denied the alleged salary being drawn by him while contending that he has to look after his old aged parents and other contingencies like loan, income tax etc. Therefore, the respondent herein is not entitled for any maintenance and prayed for dismissal of the petition.

The trial Court after hearing both counsel, awarded the aforesaid maintenance and legal expenses. Challenging the said order, the present revision petition is filed on various grounds.

During hearing learned counsel for the petitioner contended that the petitioner is drawing net salary of Rs.32,000/- per month after statutory deductions and other loan dues, besides maintaining his parents and that the amount awarded by the trial Court towards maintenance is on higher side and prayed to set aside the same while admitting that he was drawing gross salary of Rs.45,000/- per month and whereas learned counsel for the respondent supported the order passed by the trial Court in all respects.

The undisputed facts in this case are that the petitioner and respondent are husband and wife and that the husband was drawing Rs.45,000/- per month as gross salary while working in a private bank. Husband has to meet statutory deductions out of the salary like employees provident fund and income tax etc. If those statutory deductions are allowed out of the net salary, husband may get less than Rs.40,000/- per month. It is the case of the husband that he has to pay Rs.10,000/- monthly loan installments, which cannot be taken into consideration while ordering maintenance since original loan amount was enjoyed by him. If it is an undisputed fact that the petitioner/husband has to maintain his old aged parents, whereas the respondent/wife is not having any independent source of income to meet necessities of her and her minor child aged three years, not even a school going children. Therefore, taking into consideration of the earning of the petitioner/husband and the financial condition of the

respondent/wife, I find that it is a fit case to reduce the maintenance amount to Rs.15,000/- per month from Rs.20,000/- per month.

Accordingly, the revision petition is disposed of modifying the order dated 17.02.2016 passed by the Additional Family Court, Hyderabad in I.A.No.617 of 2015 in O.P.No.771 of 2014 to the extent indicated above while maintaining the other part of the order. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the revision shall stand closed.

01.09.2016
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M.SATYANARAYANA MURTHY,J

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DATED: 01.09.2016

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