

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4942 of 2016

ORDER:

The Civil Revision Petition is filed aggrieved by the order dated 04.03.2016 in I.A.No.202 of 2015 in O.P.No.484 of 2014 passed by the Judge, Additional Family Court, Hyderabad.

Heard both sides.

The petitioner/husband filed the above said O.P. seeking dissolution of marriage. Pending O.P., the respondent/ wife filed the said I.A. seeking interim maintenance of Rs.5,000/- p.m. and also Rs.10,000/- towards costs and legal expenses. It is stated by her in the affidavit filed in support of the petition that she is getting Rs.4,000/- p.m. from the temporary employment in E.S.I., which is hardly sufficient even to pay to the hostel, where she stays and requires to maintain herself with the balance amount. It is her contention that her husband is getting Rs.20,000/- p.m. from transport business by driving his own vehicle. The lower Court by the impugned order granted *pendente lite* maintenance at Rs.2,000/- p.m. and Rs.5,000/- for legal expenses. Aggrieved by the same, the husband filed present revision.

The revision petitioner/ husband could not show what is his actual income, though the burden is on him under Section 106 of the Indian Evidence Act (for short 'the Act'), even the counter plea can be taken into consideration with reference to consideration as to what extent, there is a specific denial or not that tantamounts to admission even impliedly as per Order VIII Rules 3 to 5 C.P.C. r/ w Section 17 or 58 of the Act. Even there from what the tribunal awarded Rs.2,000/- p.m. and Rs.5,000/- for legal expenses to the respondent/ wife out of the earnings of the revision petitioner/ husband, no way requires interference but for to direct for early disposal of the main O.P.

Accordingly, the Civil Revision Petition is disposed of directing the lower Court to dispose of the main O.P., preferably within four months from the date of receipt of copy of this order. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

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Dr. B. SIVA SANKARA RAO, J

Date:23.12.2016

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