

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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CIVIL REVISION PETITION No.1330 of 2016

ORDER:

This civil revision petition under Article 227 of the Constitution arises out of the order dated 20.07.2015 passed by the learned Family Court Judge, Ranga Reddy District, in I.A.No.1452 of 2014 in O.P.No.1700 of 2014. The said I.A. was filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955, for monthly maintenance of Rs.40,000/- along with Rs.1,00,000/- towards costs and legal expenses. By the order under revision, the learned Family Court Judge took note of the absence of the petitioner-husband and the fact that he had not filed a counter and accordingly set him *ex parte*. As the employment and income particulars of the petitioner-husband were not rebutted by him, the learned Family Court Judge allowed the I.A. awarding interim maintenance as prayed for.

By order dated 22.04.2016, this Court granted interim suspension of the order under revision subject to the petitioner-husband paying the interim maintenance of Rs.20,000/- per month and also the litigation expenses of Rs.50,000/- to the respondent-wife within a time frame. It is now stated that this conditional order has been complied with and the petitioner-husband is paying monthly maintenance of Rs.20,000/- to the respondent-wife.

Sri Y.V.S.S. Siva Sarma, learned counsel for the petitioner-husband, would state that the learned Family Court Judge, Ranga Reddy District, was incorrect in noting that the counter had not been filed by his client by the date of passing of the order. Learned counsel would state that a counter-affidavit was filed by the petitioner-husband to the subject I.A. under S.R.No.1442 of 2015 dated 09.03.2015.

If this is a fact, the learned Family Court Judge, Ranga Reddy District, ought to have considered the averments made therein and ought not to have set the petitioner-husband *ex parte* on the basis of the finding that he had not filed a counter till the date of passing of the

order.

The order under revision is accordingly set aside and the matter is remitted for reconsideration. The learned Family Court Judge, Ranga Reddy District, shall verify as to whether the petitioner-husband did, in fact, file his counter on 09.03.2015 as claimed by him. If that be so, the contents thereof shall be taken into consideration while passing orders afresh in the subject I.A. Pending the disposal of the I.A. afresh on merits, the petitioner-husband shall continue to pay the monthly maintenance of Rs.20,000/-. Such payment shall however abide by the order to be passed on merits by the learned Family Court Judge, Ranga Reddy District, pursuant to this remand. The monthly maintenance shall be remitted directly into the savings bank account of the respondent-wife. The details of which are recorded hereunder:

Challa Madhuri Priyadarshini, S.B.A/c.No.91401004855847,

Axis Bank, Hyderabad Branch, I.F.S.C. Code-UTIB00000008.

The monthly maintenance shall be paid on or before fifth of each calendar month.

The civil revision petition is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:01.07.2016

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