

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.5590 OF 2016

ORDER:

Heard Sri T. Sujan Kumar Reddy, learned counsel for the revision petitioner.

2. The present revision petition is filed assailing the order, dated 30.03.2016, in I.A.No.627 of 2015 in O.P.No.13 of 2014 on the file of Senior Civil Judge, Nizamabad, granting Rs.10,000/- towards monthly maintenance to respondent Nos.1 and 2 herein as against their claim for grant of interim maintenance at Rs.10,000/- per month each and also a sum of Rs.25,000/- towards litigation charges.

3. Learned counsel for the revision petitioner would contend that the Court below did not even afford an opportunity of filing a counter and forfeited the right of the revision petitioner, though, the counter was ready and yet to be filed. According to him, respondent No.1 is an employee of Kasthuriba Gandhi Balikala Gurukula Vidyalayam, Pitlam, Nizamabad, drawing salary of Rs.14,000/- per month. He, therefore, prays to set aside the order under challenge and afford an opportunity to the revision petitioner to file counter and contest the matter.

4. The Original Petition was filed by the revision petitioner seeking divorce under Section 13 (1) (v) of the Hindu Marriage Act,

1955, on the main ground that respondent No.1 was affected with H.I.V., which was detected when blood test was conducted during pregnancy.

5. From a perusal of the order under challenge, it appears that the Court below, in fact, has not awarded any amount towards expenses for conducting the proceedings, though, a claim was laid for Rs.25,000/-. Further, the amount of Rs.10,000/- per month granted by the Court below towards interim maintenance cannot be viewed as on higher side at this stage, subject to the revision petitioner proving that respondent No.1 is an employee. Since the divorce petition relates to the year 2014 and two years elapsed, it is desirable to direct the Court below to dispose of the main O.P. itself.

6. Therefore, the Court below is directed to dispose of the main O.P. itself within a period of six months from the date of receipt of a copy of this order, if counter is already filed by the respondents. In case, counter is yet to be filed by the respondents, they are directed to file the same within a period of one month from the date of receipt of a copy of this order and, thereafter, within a period of five months, the Court below is directed to dispose of the O.P. It is left open to the revision petitioner to agitate the plea he has raised now as to the employment of respondent No.1.

7. Accordingly, the revision petition is disposed of at the admission stage. Miscellaneous Petitions, if any, pending in this revision petition, shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

November 18, 2016.
MD

