

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3160 of 2016

ORDER:

This Civil Revision Petition under Article 227 of the Constitution of India is filed challenging the Order dt.11.03.2016 in I.A.No.308 of 2015 in O.P.No.1198 of 2014, whereby the trial Court granted maintenance of Rs.2000/- per month in a petition filed by the revision petitioner under Section 24 of Hindu Marriage Act, 1955 (for short ' the Act 1955') as against the claim of maintenance of Rs.15,000/- and Rs.5,000/- towards legal expenses.

2. It is the case of the revision petitioner that the respondent herein neglected her to maintain though he is earning Rs.75,000/- per month carrying on business and she is not having any independent source of income and therefore, she sought for awarding maintenance of Rs.15,000/- besides Rs.5000/- towards legal charges.

3. The respondent herein filed counter denying the material allegations while contending that he is working as a private employee earning Rs.8,000/- per month, the amount he is earning is not sufficient for his maintenance and he belongs to a lower middle class family, has to maintain his ailing parents and therefore, the petitioner is not entitled to any claim and prayed for dismissal of the petition.

4. During enquiry, no evidence was brought on record either oral or documentary.

5. Upon hearing argument of both the counsel, the trial Court directed the respondent herein to pay a sum of Rs.2000/- per month as maintenance.

6. Dissatisfied with the Order by the trial Court, the present Revision Petition is filed contending that Rs.2000/- is not sufficient even to meet the necessities and requested to enhance the amount to Rs.5000/- at least.

7. At the stage of admission, heard learned counsel for petitioner.

8. It is the case of the revision petitioner that the respondent is carrying on business and earning Rs.75,000/- per month, but she failed to produce any iota of evidence in support of her contention that her husband is earning huge amount by carrying on business. If really, the respondent herein is carrying on business and earning Rs.75,000/-, he would have obtained license from the municipal authorities and other authorities like Sale Tax, registering himself as a dealer under AP VAT Act and he would have filed monthly returns of sale tax to pay VAT to the State. But, no such document is brought on record to substantiate her contention that respondent herein is earning Rs.75,000/- carrying on business. In the absence of any evidence regarding business of the respondent herein, it is difficult to award huge amount.

9. However, the respondent herein admitted that he is earning Rs.8000/- per month being a private employee and that he has to look after his ailing parents. In these circumstances, granting of maintenance of Rs.2000/- under Section 24 of the Hindu Marriage Act, 1955 is justifiable when the revision petitioner is not having any independent source of income sufficient to meet the necessities. Thus, considering the attending circumstances, the trial Court rightly awarded maintenance of Rs.2000/- per month during pendency of the petition before it. Therefore, I find no illegality in the order under challenge warranting interference of this Court while exercising supervisory power under Article 227 of the Constitution of India.

10. Accordingly, this Civil Revision Petition is dismissed, at the stage of admission, confirming the decree and Decretal order in I.A.No.308 of 2015 in O.P.No.1198 of 2014 on the file of Judge, Family Court, City Civil Court, Hyderabad.

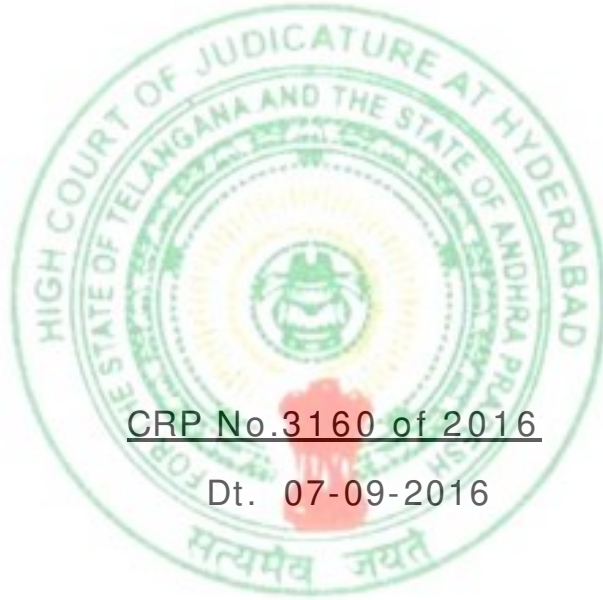
As a sequel, miscellaneous petitions, if any, pending in this case, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 07-09-2016.

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