

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE T.RAJANI

FCA.No.26 of 2016

Date:21.02.2017

Between:

Gontu Ravi Kumar,
S/o Surya Rao

..... Appellant

And:

Gontu Padmaja,
W/o Ravi Kumar

.....Respondent

Counsel for the appellant: T.V.Jaggi Reddy

Counsel for the respondent: None appeared



The Court made the following:

JUGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Family Court Appeal arises out of order and decree, dated 10.7.2015, in F.CO.P.No.1300 of 2012 on the file of the learned Judge, Family Court-cum-V Additional District and Sessions Judge, Visakhapatnam.

We have heard Mr. T.V.Jaggi Reddy, learned counsel for the appellant and perused the record.

Though not legally separated, the appellant and the respondent, who are man and wife, have been living separately. The respondent filed FCOP.No.1300 of 2012 under Sections-3(b)(1) and 18 of the Hindu Adoption and Maintenance Act for grant of maintenance to her. As against the claim of Rs.10,000/- per month, the lower Court has awarded Rs.5,000/- per month towards maintenance to the respondent.

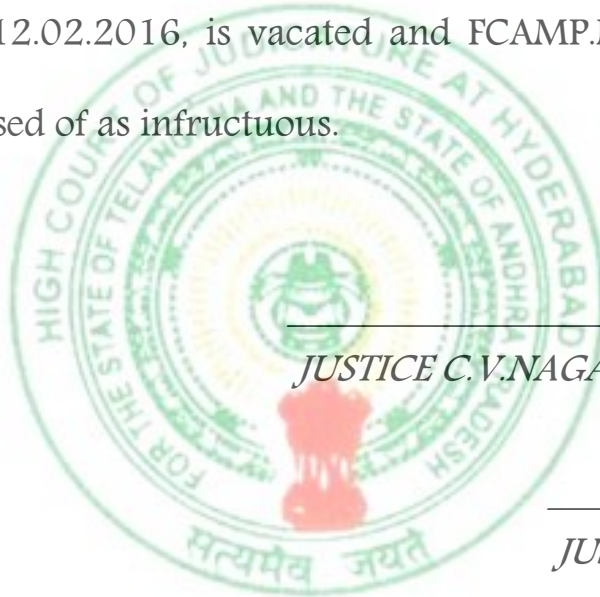
At the hearing, learned counsel for the appellant, submitted that his client is a daily wage earner getting an income of Rs.10,000/- per month and that therefore, the order of the lower Court awarding Rs.5,000/- per month imposes onerous obligation on his client.

By interim order, dated 12.02.2016, this Court has granted interim suspension of the order of the lower Court, subject to the appellant depositing Rs.4,500/- per month towards maintenance to the respondent.

In the facts and circumstances of the case, we are of the opinion that interests of justice would be served if the said interim order is confirmed as the order in the appeal itself. Accordingly, the order of the lower Court under challenge is modified to the above effect.

The Family Court Appeal is, accordingly, partly allowed to the extent indicated above.

As a sequel to disposal of the appeal, the order of interim stay, dated 12.02.2016, is vacated and FCAMP.No.51 of 2016 stands disposed of as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

21st February, 2017

DR