

**HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**CIVIL REVISION PETITION No.2319 of 2017**

**ORDER:**

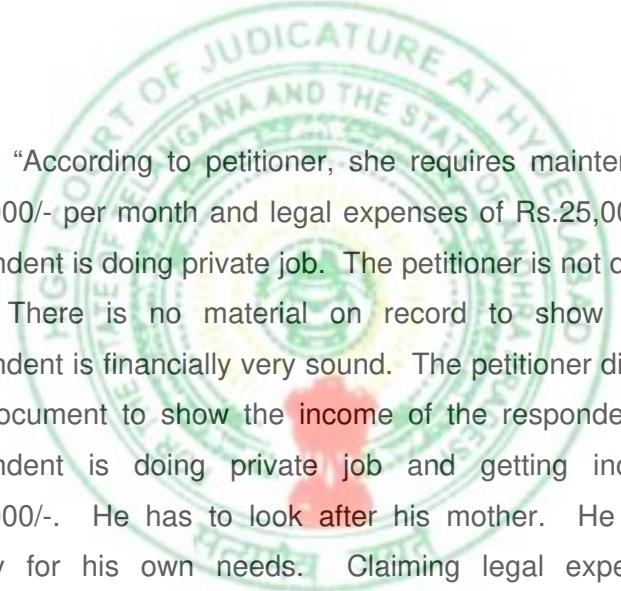
Heard learned counsel for the petitioner.

Petitioner-husband filed this civil revision petition challenging the order, dated 03.04.2017, passed by the learned Senior Civil Judge, Markapur in I.A.No.24 of 2017 in O.P.No.38 of 2015. He filed the said O.P. seeking divorce. The respondent-wife filed the said application seeking an order of maintenance of Rs.6,000/- per month and legal expenses of Rs.25,000/-. In the affidavit filed in support of the application, the respondent stated that her marriage with the petitioner took place on 03.06.2013 at Markapur and her husband and mother-in-law ill treated her. Suppressing the real facts, the petitioner filed O.P. for divorce. She is a poor woman and depending on her mother. She has no capacity to come to Markapur from Hindupur to contest the O.P. She also stated that she has no movable or immovable properties.

The petitioner filed counter stating that at the time of marriage, the respondent completed first year of M.Com. and she is working as Record Assistant in Hindupur, earning Rs.6,000/- per month. The father of the respondent owns three storied RCC building and two portions were given on rent. The respondent is rotating the said amount on daily interest and getting Rs.10,000/- per month. After the death of her father, the respondent and her

mother are maintaining one Temple, from which they are deriving income of Rs.5,000/- on each function. The petitioner is the only son to his parents and his mother is a retired employee of APSRTC. He is working as private employee and getting an amount of Rs.6,500/- per month.

The learned Senior Civil Judge allowed the application *vide* order, dated 03.04.2017, directing the petitioner to pay an amount of Rs.2000/- per month towards maintenance and Rs.5000/- towards legal expenses from the date of the order by observing as follows:



“According to petitioner, she requires maintenance of Rs.6,000/- per month and legal expenses of Rs.25,000/-. The respondent is doing private job. The petitioner is not doing any job. There is no material on record to show that the respondent is financially very sound. The petitioner did not file any document to show the **income** of the respondent. The respondent is doing private job and getting income of Rs.6,000/-. He has to look **after** his mother. He requires money for his own needs. Claiming legal expenses of Rs.25,000/- in divorce petition is unreasonable. By considering social status and needs of both parties, I am of considered opinion that it is just and proper to grant maintenance of Rs.2,000/- per month and legal expenses of Rs.5,000/-. The point is answered accordingly.”

I have carefully perused the order impugned in the revision and the parties have not adduced any oral or documentary evidence before the trial Court. However, in view of the admission made by the petitioner of his monthly income and in the absence of any proof of income by the respondent, the trial Court passed the said order, which this Court feels justified in the facts and

circumstances of the case. This Court sees no ground to interfere with the said order.

The civil revision petition is accordingly dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

**A.RAMALINGESWARA RAO,J**

Dt:16.06.2017

kdl

