

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

FCA. No.316 of 2015

DATED: 14.03.2017

Between

R.Tathna Sekhar Babu

...APPELLANT

And

Smt.Mala Sathyamma and others

...RESPONDENTS

COUNSEL FOR THE APPELLANT: Sri S.D. Gow d

COUNSEL FOR THE RESPONDENTS: Sri M.Karibasaiah



THE COURT MADE THE FOLLOWING:

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

This family court appeal arises out of the order dated 07.10.2014 passed in O.P. No.9 of 2012 on the file of the Family Court-cum-Additional District Judge, Ananthapuramu, whereby he has partly allowed the said O.P. by awarding maintenance at the rate of Rs.2,500/- each to respondents 2 and 3.

Heard Sri S.D. Gowd, learned counsel for the appellant and Sri M.Karibasaiah, learned counsel for the respondents.

The respondents have filed aforementioned O.P. seeking maintenance claiming that respondent No.1 is the wife of the appellant and respondents 2 and 3 are their children. The appellant has denied the relationship between him and the respondents. However, based on Ex.A-1, marriage photo, Ex.A-2, house hold card, Ex.A-7, original birth certificate of respondent No.3 and Ex.A-8, school certificate of respondent No.2, the family court negated the plea of the appellant and held that respondent No.1 has relationship with the appellant, though not as legally wedded wife and respondents 2 and 3 were born out of such relationship. Having regard to the fact that respondent No.1 was not a legally wedded wife, her claim for maintenance was rejected while awarding a sum of Rs.2,500/- each to respondents 2 and 3.

In the light of the evidence, as referred to above, Sri S.D.Gowd is not in a position to convince this Court that the finding of fact arrived at by the family court with regard to the relationship between the appellant and respondent No.1 and the paternity of the appellant *qua* respondents 2 and 3 is liable for interference. He has, however, urged that as his client has five children through his legally wedded wife, a sum of Rs.2,500/- each to respondents 2 and 3 imposes onerous liability on him and that the Court may consider reduction of this amount to a reasonable extent.

After hearing Sri M.Karibasaiah, learned counsel for the respondents, on this aspect, we feel that the interest of both the parties will be balanced if maintenance amount is reduced to Rs.2,000/- each in favour of respondents 2 and 3. Accordingly, the order under appeal is modified to the effect that respondents 2 and 3 are entitled to monthly maintenance of Rs.2,000/- each.

Family Court Appeal is accordingly allowed in part to the extent indicated above.

As a sequel to disposal of the appeal, FCAMP.No.651 of 2015 shall stand disposed as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 14.03.2017
LSK/DSK

