

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.R.P.No.1044 of 2017

ORDER:

This revision filed under Article 227 of the Constitution of India, challenges the order dated 18.1.2017 passed by the Court of Judge, Family Court-cum-VII Additional District and Sessions Judge, Ananthapuramu in I.A.No.418 of 2016 in F.C.O.P.No.142 of 2015.

2. Heard and perused the material available before the Court.

3. Petitioner herein filed F.C.O.P.No.142 of 2015 on the file of the Judge, Family Court-cum-VII Additional District and Sessions Judge, Ananthapuramu against the respondent herein for a decree of divorce. In the said O.P., the respondent-wife filed the instant I.A.No.418 of 2016 under the provisions of Section 24 of Hindu Marriage Act for a direction to the Respondent (petitioner herein) to pay Rs.50,000/- per month towards maintenance to her and her son and Rs.10,000/- towards legal expenses. The said application was resisted by the petitioner herein by filing a counter. The learned Judge passed an order on 18.1.2017, allowing the application partly and granted interim maintenance at Rs.30,000/- per month to the respondent herein and her minor son from the date of petition i.e. 7.4.2016 till pending disposal of the FCOP and also directed to pay arrears of maintenance from 7.4.2016 to January, 2017 on or before 18.2.2017 and with a further direction to pay the monthly maintenance of Rs.30,000/- from February, 2017 under proper acknowledgement on or before 10th of every succeeding month. The Court also directed to pay Rs.10,000/- towards legal expenses.

4. This revision calls in question the validity and legal sustainability of the said order passed by the learned Judge. It is contended by the learned counsel for the petitioner that the order passed by the Court below is erroneous and contrary to law and is opposed to the very spirit and object of provisions of Hindu Marriage Act. According to the learned counsel for the petitioner, the Court below granted maintenance without properly appreciating the evidence available on record. It is further submitted by the learned counsel for the petitioner that the petitioner has to maintain his old aged parents and also he has unemployed younger brother. It is eventually submitted by the learned counsel for the petitioner that the Court below grossly erred in granting maintenance.

5. A perusal of the information available before the Court categorically reveals that the petitioner herein is presently working as Software Engineer in TCS Company and there is absolutely no dispute with regard to the fact that he is getting a net amount of Rs.65,000/- and the Court below had taken into consideration the pay slip for the month of September, 2016 filed by the petitioner herein along with counter. The Court below also categorically recorded a finding that the petitioner herein did not specify the place of work of the respondent herein nor he filed any proof to show that she is getting an amount of Rs.35,000/- per month.

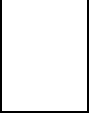
6. Obviously, taking into consideration the present cost of living and the expenditure which the respondent and the child have to incur, granted Rs.30,000/- per month towards maintenance apart from granting Rs.10,000/- towards legal expenses. In the considered opinion of this Court, the order under challenge, which is supported by valid and convincing reasons assigned by the Court below, does not warrant any interference of this Court under Article 227 of the Constitution of India in the absence of any perversity.

7. Accordingly, the Civil Revision Petition is dismissed. As a sequel, the miscellaneous petition, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 9.6.2017
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