

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.2549 of 2017

ORDER:

The petitioner herein is respondent/ husband in I.A.No.16 of 2017 in O.P.No.35 of 2016 on the file of the Senior Civil Judge, Bhongir, Nalgonda District.

Heard both sides.

The said I.A. was filed by the respondent/ wife under Section 24 of the Hindu Marriage Act for interim maintenance, pending disposal of divorce petition filed by the revision petitioner/ husband. Her claim is to grant Rs.10,000/- p.m. interim maintenance and Rs.10,000/- towards legal expenses. It is seriously contested by the husband saying she is not entitled to interim maintenance as she got income by doing lending business, chits business and running a kirana shop.

It is in disposal of the order, the learned trial Judge observed particularly at para-8 that according to the wife, the husband is getting pension at Rs.38,850/- p.m. and rents of Rs.25,000/- p.m. from the house situated at Housing Board, Bhongir, and also doing chit business and getting income and she has no means and there is no evidence filed by her in support of said contention. However, the fact remains that from the contention of her husband is a pensioner and getting pension. The husband did not file any proof what is his actual pension, even wife says he is getting Rs.38,850/- p.m. Considering the same, the petition is ordered.

It is not even stated that Rs.15,000/- p.m. is reasonable and the Court can award Rs.15,000/- p.m. despite of her prayer only Rs.10,000/- p.m. There is no discussion on that to award Rs.15,000/- p.m. but for, observed at para-8 that the petition can be ordered to mean at best Rs.10,000/- p.m.

Having regard to the above, there is nothing to support the order even from the contentions of the learned counsel for the respondent/ wife at Rs.15,000/- p.m. Thus is reduced to Rs.10,000/- p.m. by confirming the order in all other respects. If at all the amount is not sufficient, the respondent/ wife can file an application for regular maintenance to get a reasonable amount.

Accordingly, the Civil Revision Petition is partly allowed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.08.2017
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