

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.2405 of 2017**

**ORDER:**

The Civil Revision Petition is filed against the order dated 31.03.2017 passed in I.A. No.309 of 2016 in H.M.O.P. No.6 of 2016 by the learned Senior Civil Judge, Miryalaguda.

2) The revision petitioner is the respondent in I.A. No.309 of 2016 and petitioner in H.M.O.P. No.6 of 2016. It is pending disposal of H.M.O.P, the revision respondent filed I.A. No.309 of 2016 under Section 24 of Hindu Marriage Act for interim maintenance of Rs.70,000/- to herself and her minor son, including litigation expenses from her husband. By order dated 31.03.2017, the trial Court granted interim maintenance of Rs.10,000/- per month to the wife and Rs.8,000/- per month to the minor son, from her claim of Rs.70,000/- per month, from the date of filing of H.M.O.P i.e., 19.04.2016 pending disposal of the main H.M.O.P., besides Rs.5,000/- towards litigation expenses. Impugning the said order, the present revision is filed.

3) Leave about the other grounds urged, a perusal of the impugned order no way requires denial of maintenance either to the wife or to the minor son for nothing shown of she is doing any job, despite her claim that she is a house wife, with what tenable contentions, if at all, raised by him is that it is difficult for him to maintain them as he is with no avocation and it was even contended before the trial Court, that was properly appreciated.

4) In support of it, he filed a letter dated 12.08.2015 addressed to him by his employer from Jakarta that his contract will end by 10.10.2015 and they will not be extending the contract and they will select the process of his repatriation to his home country—India as per the terms agreed in the employment contract.

5) Had the letter dated 12.08.2015 been filed before the trial Court, it would have been drawn attention undisputedly but for non filing. There is nothing that can be made out to say, his employment at Jakhartha is extended subsequently or that he is better employed anywhere. However, the fact remains is that he is a professional, being a Chartered Account and thereby, he can earn something out of his own avocation, which the Court cannot ignore.

6) There is no dispute on the proposition, from the expression of the Apex Court in ***Kalyan Dey Chowdhury vs Rita Dey Chowdhury***<sup>1</sup> regarding interim maintenance under Section 24 of the Act includes for equal status of the wife and children and not for mere survival.

7) However, considering the fact that the petitioner has no employment at abroad as claimed in the interim maintenance application that was also a consideration in awarding Rs.18,000/- per month and further considering the fact that the petitioner is not working as a Chartered Accountant, the interim maintenance of Rs.18,000/- per month awarded by the trial Court is reduced to Rs.11,000/- per month, out of which, the wife is entitled to

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<sup>1</sup> Civil Appeal No.5369 of 2017

Rs.6,000/- per month and minor son is entitled to Rs.5,000/- per month. In other respects the order of the lower Court holds good.

8) Accordingly, the revision is disposed of. No order as to costs.

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

**JUSTICE Dr. B.SIVA SANKARA RAO**

Date:14.07.2017  
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**C.R.P. NO.2405 OF 2017**



Date:14.07.2017

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