

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.4837 of 2017

ORDER:

This Civil Revision Petition is directed against the order, dated 28.07.2017, in CMA.No.18 of 2017 passed by the learned II-Additional District Judge, Mancherial, whereby and whereunder, the order dated 07.08.2015 in I.A.No.151 of 2015 in O.P.No.65 of 2014 passed by the Principal Senior Civil Judge, Mancherial, was modified reducing the quantum of maintenance from Rs.7,000/- per month to Rs.5,000/- per month.

The revision petitioner is the husband and the respondent is the wife.

The short question involved in the present revision is whether the amount of Rs.5,000/- per month fixed by the II-Additional District Judge, Mancherial, reducing the amount of Rs.7,000/- granted by the Principal Senior Civil Judge, Mancherial, towards monthly maintenance of the wife, can be interfered with?

Heard Smt. Akula Sunitha, learned counsel for the revision petitioner, and Smt. N.Revathi representing Sri Nimmagadda Satyanarayana, learned counsel for the respondent.

On perusal of the order passed by the Principal Senior Civil Judge, Mancherial, as well as the II-Additional District Judge, Mancherial, it is clear that the husband is working as a Project Officer

and his gross salary is Rs.22,939/- and the net salary is shown as Rs.20,183/- as per the salary certificate issued by the concerned authority. It is not in dispute that both the children born out of their wedlock are in the custody of the husband and they are prosecuting their studies and the husband has to meet their educational expenses. Simultaneously, wife, to sustain herself invariably, has to depend on her husband's income. That has been the reason the interlocutory application was filed by the wife in an application filed for grant of decree of divorce by the husband.

Though, the learned counsel for the respondent – wife contends that the husband has got other source of income from the assets he owns, the relevant details are not forthcoming.

On the other hand, the learned counsel for the petitioner – husband has submitted the hostel fee receipts showing that the husband has been meeting such expenses. One of such receipts would show that the husband has paid an amount of Rs.22,000/- towards the hostel fee of Ch.Srujeshna, daughter of the parties, and also paid Rs.4,500/- towards admission into Siddartha High School, Karimnagar. May be the hostel fee relates to the whole academic year. So far as the second child is concerned, a sum of Rs.10,000/- was paid, as could be seen from the fee receipt issued by Alphores High School, besides the payment of Rs.5,000/- towards admission fee. When viewed in the light of the amounts incurred by the husband, the amount of Rs.5,000/- per month fixed by the appellate Court can

be reduced to Rs.4,500/- per month, keeping in view, also the net salary of 20,000/- per month.

Accordingly, the present revision is partly allowed. The amount of Rs.4,500/- per month shall be paid from the date of petition. In case any amount was already paid, the same shall be adjusted. However, learned counsel for the respondent would submit that till now no amount is paid by the revision petitioner. Further, since the learned counsel for the revision petitioner would submit that the original petition relates to the year 2014, it is desirable to direct the learned Principal Senior Civil Judge, Mancherial, to dispose of the O.P as expeditiously as possible, not later than six months from the date of receipt of a copy of this order.

Miscellaneous applications, if any, pending in the present revision stand closed.

JUSTICE A.SHANKAR NARAYANA

03.10.2017
v v