

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

THE HON'BLE SMT. JUSTICE T.RAJANI

FAMILY COURT APPEAL No.105 of 2017

30.03.2017

Between:

Lokireddy Mohana Krishna @ Mohana Krishna Reddy

..Appellant

and

Smt.Lokireddy Geetha

..Respondent

Counsel for the appellant: Mr.Butta Vijaya Bhaskar

Counsel for the respondent: Mr.K.Srinivasula Reddy for Mr.V.R.Avula

The Court made the following:



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

This Family Court Appeal arises out of order and decree, dated 15.10.2015, in O.P.No.247 of 2008 on the file of the Family Court-cum-IV Additional District & Sessions Judge's Court, Vijayawada.

2. We have heard the learned counsel for both the parties and perused the record.

3. The respondent filed O.P.No.247 of 2008 for grant of monthly maintenance at Rs.10,000/- against the appellant. The appellant, in turn, filed O.P.No.350 of 2009 for restitution of conjugal rights. The parties contested these two O.Ps. against each other. Based on the rival contentions, the Family Court framed the following issues for determination:

- “1. Whether the petitioner/husband is entitled for restitution of conjugal rights as prayed for?
2. Whether the respondent/wife is entitled for maintenance from the petitioner/husband as prayed by her u/s.125 of Cr.P.C.?”

On behalf of the appellant, he examined himself as P.W.1 and also examined P.Ws.2 and 3 and got Exs.A-1 to A-3 marked. On behalf of the respondent, she examined herself as R.W.1 and also examined R.Ws. 2 and 3 and got Exs.B-1 to B-3 marked. On appreciation of the oral and documentary evidence, the Family Court dismissed O.P.No.350 of 2009 and partly decreed O.P.No.247 of 2008 granting monthly maintenance at Rs.5,000/-. The Family Court found that the appellant did M.Pharmacy and was pursuing his Ph.D. pending the O.Ps. and that on his own admission, he was working as a Lecturer in Sri Krishna Chaitanya B.Pharmacy College and was earning Rs.17,500/- per month, apart from earning Rs.15,000/- per month by conducting tuitions. The appellant, however, pleaded that the Family Court also found that the respondent

was also having flat in her name and on her own admission, it was fetching a rent of Rs.6,000/- per month. Taking into consideration the qualifications and the earning capacity of the appellant and the income of Rs.6,000/- being earned by the respondent, the Family Court awarded monthly maintenance at Rs.5,000/- from the date of filing the O.P. by the respondent.

4. On re-appreciation of the evidence on record and from the facts and circumstances of the case, we feel that award of Rs.5,000/- (Rupees five thousand only) towards monthly maintenance of the respondent is highly just and reasonable and therefore, we do not find any error, either in law or on facts, committed by the Family Court in awarding such maintenance.

5. For the aforementioned reasons, the Family Court Appeal is dismissed.

6. As a sequel to dismissal of the appeal, F.C.A.M.P.No.146 of 2017 filed by the appellant for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

T.RAJANI, J

30th March, 2017
GHN