

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.5968 OF 2016

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the order dated 09.06.2016 passed in I.A.No.160 of 2016 in O.P.No.3 of 2015 on the file of the Family Court, Hyderabad.

2. The facts leading to filing of the present petition are briefly as follows:

The marriage of the first respondent was performed with the petitioner on 18.11.2010 at Amalapuram as per Hindu Rites and Caste Custom. Immediately after the marriage, the first respondent joined with the petitioner to lead marital life. Out of their lawful wedlock, the petitioner and the first respondent were blessed with a daughter i.e., the second respondent. Unfortunately, bad weather prevailed in the family life of the petitioner and the first respondent. The respondents herein filed O.P.No.3 of 2015 on the file of the Family Court, Hyderabad, under Sections 18 and 20 of the Hindu Adoption and Maintenance Act read with Section 7 of the Family Courts Act. The respondents also filed I.A.No.160 of 2016 in O.P.No.3 of 2015 seeking interim maintenance of Rs.20,000/- per month each to the respondents. The trial Court after affording a reasonable opportunity to both parties allowed the petition in part granting interim maintenance of Rs.15,000/- per month to the first respondent and Rs.5,000/- per month to the second respondent. Hence, the revision.

3. The predominant contention of the learned counsel for the petitioner is that the trial Court allowed the petition without taking into consideration the moral and social responsibilities of the petitioner herein. He further submitted that the petitioner has to look after the welfare of his father.

4. Learned counsel for the respondents submitted that the father of the petitioner is a retired Government employee.

5. It is needless to say that a Government employee will get pension after retirement. In such circumstances, there is no financial burden on the part of the petitioner to look after his father.

6. Learned counsel for the respondents, in all fairness, submitted that the first respondent is a highly qualified person and attending the courses.

7. Absolutely there is no material on record to establish that the first respondent is getting a monthly salary of Rs.30,000/-. It is the duty of the petitioner to look after the welfare of the respondents, who are none other than his wife and daughter. The petitioner is getting a gross salary of Rs.90,000/- per month and net salary of nearly Rs.59,000/- per month. The trial Court taking into consideration the age of the second respondent and other attending circumstances granted interim maintenance of Rs.15,000/- per month to the first respondent and Rs.5,000/- per month to the second respondent. The second respondent is aged about five years. The first respondent has to admit her in any school and pay the school fee. In the absence of income, it may

not be possible for the first respondent to admit her child i.e., the second respondent in any school. If this Court expresses any opinion touching the merits of main case, the same may cause prejudice to one of the parties to the proceedings. The trial Court has assigned reasons much less cogent and valid reasons to its findings. I am fully endorsing with the findings recorded by the trial Court. Viewed from any angle, I am of the considered view that granting interim maintenance of Rs.15,000/- per month to the first respondent and Rs.5,000/- per month to the second respondent is not on higher side. There is no illegality or irregularity in the order of the trial Court, which warrants interference of this Court. Hence, the revision lacks merits and *bona fides*.

8. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 06.02.2017
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