

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

C.R.P. NO. 2363 OF 2017

ORDER:

This Revision Petition is filed by the petitioner who is husband of the respondent questioning the order passed in IA No. 428 of 2016 in MOP No. 39 of 2015 dated 11.12.2016 by the learned Judge, Family Court-cum-III Addl. District & Sessions Judge, Srikakulam, by and under which the learned Judge has awarded a sum of Rs.15,000/- towards interim maintenance and Rs.25,000/- towards litigation expenses to the respondent-wife.

Aggrieved by the said order, the husband preferred this Revision Petition contending that the court below has not taken into consideration his net salary, which is about Rs.33,000/- and going by the gross salary of Rs.50,000/-, has awarded maintenance of Rs.15,000/-, which he is not in a position to pay inasmuch as he has to maintain his aged parents in addition to maintain himself.

A perusal of the record shows that the marriage between the parties is not in dispute. Wife has filed a petition for dissolution of marriage on the grounds mentioned therein. It appears that the said H.M.O.P. is decreed exparte. Husband filed an application to set aside the exparte order, which is pending.

Be that as it may, the fact remains that pending disposal of the HMOP, the learned Judge of the Family Court has taken into consideration the fact that the respondent-wife is a woman aged about

24 years, having no source of income to maintain herself, has awarded Rs.15,000/- towards maintenance.

The case of the petitioner is that his gross salary of Rs.50,000/- is taken into consideration in awarding maintenance instead of take home salary, as evidenced by the salary certificate for the month of May, 2016, which is Rs.33,155/-.

Even if net/take home pay of the petitioner is taken into consideration, awarding of maintenance to the wife at Rs.15,000/- per month cannot be said to be in any way excessive, unjust or exorbitant. The respondent-wife is entitled to live in the same standard had she been in the company of the petitioner-husband. This apart, it is submitted by the learned counsel appearing for the respondent-wife that the HMOP has been disposed of and, therefore, the present Civil Revision Petition questioning interim orders passed in the HMOP is not maintainable.

In that view of the matter, there are no merits in the Revision Petition and same is accordingly dismissed. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

M.S.K.JAISWAL, J.

Dated: 28.06.2017
MAS

THE HON'BLE SRI JUSTICE
M.S.K.JAISWAL



ORDER IN CRP NO.2363 OF 2017

Dated: 28.06.2017