

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
HON'BLE SMT JUSTICE T.RAJANI

F.C.A.No.189 of 2016

Date:09.02.2017

**Between:**

Gokaraju Gangadhara Raju,  
S/o Venkata Raju

..... Appellant

**And:**

Gokaraju Rama Lakshmi,  
W/o Gangadhara Raju

.....Respondent

Counsel for the appellant: Mr. Ch.Venkat Reddy

Counsel for the respondent: Ms. Vasudha Nagaraj

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Family Court Appeal arises out of order and decree, dated 29.03.2016, in O.P.No.93 of 2013 on the file of the Family Court-cum-IV Additional District and Sessions Judge at Vijayawada.

The appellant and the respondent are legally separated from their wedlock. The respondent has filed the aforementioned O.P. under Section-18 of the Hindu Adoptions and Maintenance Act, 1956 for grant of Rs.10,000/- per month towards maintenance and Rs.5,000/- towards legal expenses.

By the impugned order, the Family Court allowed the said O.P. in part by granting monthly maintenance of Rs.5,000/- from the date of the petition and also awarding a sum of Rs.5,000/- towards legal expenses in favour of the respondent. Feeling aggrieved by this order, the respondent in the said O.P filed this appeal.

At the hearing, Mr. Ch.Venkat Reddy, learned counsel for the appellant, submitted that since his client is drawing only a sum of Rs.5,745/- as basic pension, it will be beyond his capacity to pay a sum of Rs.5,000/- towards monthly maintenance to the respondent.

Ms. Vasudha Nagaraj, learned counsel for the respondent, however, submitted that the appellant will be getting Dearness

Allowance in addition to the basic pension, which together would be to a tune of Rs.10,000/- and that, under the 7<sup>th</sup> Pay Commission, there is likely to be steep increase in the pension of the appellant.

Considering the respective submissions of the learned counsel for both the parties, we are of the opinion that the interests of justice between the parties would be balanced if the monthly maintenance awarded by the Family Court is reduced to Rs.4,500/- per month for the present and from the date of increase of the pension of the appellant under the 7<sup>th</sup> Pay Commission, he shall be liable to pay Rs.5,000/- per month towards maintenance to the respondent.

The Family Court Appeal is, accordingly, allowed in part and the order and decree, dated 29.3.2016, of the Family Court in O.P.No.93 of 2013 accordingly stands modified.

As a sequel to disposal of the Family Court Appeal, FCAMP.Nos.472 and 505 of 2016 filed by the appellant are dismissed as infructuous.

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*JUSTICE C.V.NAGARJUNA REDDY*

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*JUSTICE T.RAJANI*

*09<sup>th</sup> February, 2017*

*DR*