

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.2328 OF 2017

O R D E R

This civil revision petition under Article 227 of the Constitution arises out of the order dated 24.03.2017 passed by the Family Court, Ranga Reddy District, in I.A.No.762 of 2016 in F.C.O.P.No.1271 of 2014. The said I.A. was filed by the wife, being the respondent in the O.P., under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance. By the order under revision, the Family Court directed the husband to pay a sum of Rs.10,000/- per month towards the maintenance of the petitioner and Rs.5,000/- per month towards the maintenance of the child from the date of the petition. Aggrieved thereby, the husband is before this Court.

Perusal of the order under revision reflects that the Family Court was not impressed by the averments made by the petitioner-husband in the counter as regards his financial circumstances. However, no material was placed by the respondent-wife before the Family Court in justification of her plea for monthly maintenance at the rate of Rs.20,000/- per month. Perusal of the original record in F.C.O.P.No.1271 of 2014 called for from the Family Court reflects that various documents were available therein relating to the financial circumstances of the petitioner-husband and his job status. Once such documents were placed on record, the Family Court ought to have at least considered the same without blithely brushing aside the plea of the petitioner-husband that he was no longer employed in a pharmaceutical company. In any event, it was for the respondent-wife to adduce sufficient evidence in proof of the petitioner having means to pay the amount of maintenance claimed by her. The

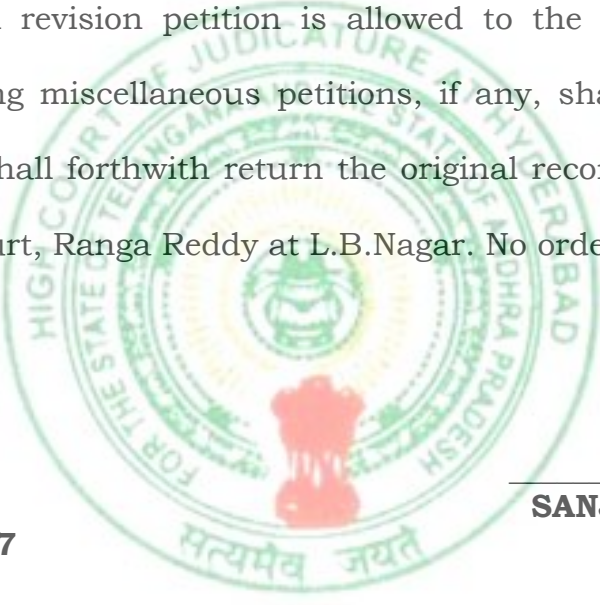
Family Court therefore ought not to have cast the burden upon the petitioner-husband in this regard and ought not to have blindly accepted the self-serving assertions of the respondent-wife.

Be it viewed from any angle, the order under revision cannot be sustained and it is accordingly set aside. The I.A. is remitted to the Family Court, Ranga Reddy District, for consideration afresh on merits and in accordance with law. The parties are permitted to file suitable evidence in support of their respective claims. As this is the second round of litigation in so far as this I.A. is concerned, the Family Court shall endeavour to dispose of the same expeditiously.

The civil revision petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed. The Registry shall forthwith return the original record of the case to the Family Court, Ranga Reddy at L.B.Nagar. No order as to costs.

6th JULY, 2017

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SANJAY KUMAR, J