

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**CIVIL REVISION PETITION Nos.3049 OF 2017, 5204 & 5212
OF 2016**

DATED : 22.11.2017

C.R.P.No.3049 of 2017 :

Between :

Smt.Archuri @ Rapaka Swathi,
W/o.Archuri Chaitanya Kumar,
H.No.2-6-1154, Gokul Nagar,
Hanamkonda, Warangal

.. Petitioner

And

Archuri Chaitanya Kumar,
S/o.Ramesh,
Age : 31 yrs, Occu : Pvt. Employee,
R/o.Warasiguda, Near Arya Samaj, Secunderabad

.. Respondent

C.R.P.No.5204 & 5212 of 2016 :

Between :

Archuri Chaitanya Kumar,
S/o.Ramesh, Age : 29 yrs,
Occu : Pvt. Employee, R/o.Warasiguda,
Near Arya Samaj, Secunderabad

.. Petitioner

And

Smt.Archuri @ Rapaka Swathi,
W/o. Chaitanya Kumar, Aged 27 yrs,
Occu : Pvt. Employee, R/o.H.No.2-6-1154,
Gokul Nagar, Hanamkonda, Warangal District

.. Respondent

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**CIVIL REVISION PETITION Nos.3049 OF 2017, 5204 & 5212
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COMMON ORDER:

For the sake of convenience the parties herein are referred to as arrayed in F.C.O.P.No.135 of 2014 on the file of Judge, Family Court, Warangal.

2. The said O.P., was filed claiming decree of divorce by dissolving the marriage between the petitioner-husband and respondent-wife on 14.02.2013. In the pending appeal, the respondent-wife filed I.A.No.263 of 2014 under Section 24 of the Hindu Marriage Act, praying to grant interim maintenance @ Rs.25,000/- per month. On contest, the Court below by order dated 09.06.2016 allowed the petition-in-part directing the petitioner to pay a sum of Rs.5000/- towards interim maintenance from the date of filing of petition. Aggrieved by the said order, petitioner filed C.R.P.No.5212 of 2016.

3. The respondent-wife also filed I.A.No.138 of 2015 under Section 129 of Civil Rules of Practice to call for the salary particulars of the petitioner-husband from the Manager, Human Resources, Pfsizer Limited, the employer of the petitioner. The said petition was dismissed by order dated 13.02.2016 on the ground that no such direction can be issued, as it is not a public document. Aggrieved thereby, petitioner filed C.R.P.No.5204 of 2016.

4. Respondent-wife also filed I.A.No.22 of 2017 under Section 10 of Family Courts Act r/w Section 151 of Code of Civil Procedure

praying to dismiss the O.P., on the ground that the direction issued by the Court in I.A.Nos.262 and 263 of 2014 dated 09.06.2016 are not complied. In I.A.No.262 of 2014 the Court granted payment of legal expenses and in I.A.No.263 of 2014 the Court granted maintenance of Rs.5000/- per month. However, the Court below rejected I.A.22 of 2017. Aggrieved thereby respondent filed C.R.P.No.3049 of 2017.

5. Petitioner filed C.R.P.M.P.No.7002 of 2017 in C.R.P.No.5204 of 2016 and C.R.P.M.P.No.7030 of 2017 in C.R.P.No.5212 of 2016 to place on record the photo copies of annual income tax statements stated to have been filed/submitted by the respondent, in support of the claim that respondent is gainfully employed and is drawing more than Rs.40,000/- per month, whereas, in the Court below, the respondent has disclosed her status as housewife and has no means of livelihood.

6. Extensive submissions are made by learned counsel for the petitioner and learned counsel for the respondent on various issues.

7. Learned counsel for the respondent states that the documents now filed are not correct and these documents are not true and valid and also contends that the earnings of the petitioner are also not disclosed anywhere, though petitioner is earning substantial amount as an employee of multi national company.

8. However having regard to the plea made before the Court below in I.A.No.263 of 2014 and contention of learned counsel for the petitioner that the respondent was gainfully employed based on the documents filed by the petitioner in these revisions, both the counsel agree for setting aside the order in I.A.No.263 of 2014 and

remanding the matter to the Family Court for consideration of I.A.No.263 of 2014 afresh and by enabling them to place their respective stands on the issue and after affording due opportunity to both parties.

9. Having regard to the submissions made, these revisions are disposed of as under :

i. The order of the Family Court is set aside and the matter is remitted to the Family Court for consideration of I.A.No.263 of 2014 afresh. It is open to both parties to place on record respective submissions/documents, subject to satisfaction of the Court below in support of their claim.

ii. Since I.A.No.263 of 2014 is remanded for consideration afresh the cause in C.R.P.No.5204 of 2016 does not survive and therefore, C.R.P.No.5204 of 2016 is disposed of as no further orders are required.

iii. Since I.A.No.263 of 2014 is remanded for consideration afresh, the cause stated by the respondent in I.A.No.22 of 2017 against which C.R.P.No.3049 of 2017 is filed, also does not survive and is accordingly closed.

iv. Learned counsel for the petitioner fairly submits that in view of the orders passed in I.A.No.262 of 2014, the amount as directed by the Court below will be deposited within one week from today in the Family Court. The same is recorded and accepted.

10. Having regard to the fact that I.A.No.263 of 2014 is of the year 2014, the Family Court, Warangal is requested to consider the I.A., and pass appropriate orders, after affording due opportunity, as expeditiously as possible, preferably within a period of six (6)

weeks from the date of receipt of copy of this order. It is open to the respective parties to place on record their submissions including filing of re-joinder, if so advised, by the respondent in I.A.No.263 of 2014, within two weeks from the date of receipt of copy of this order. It is also open to the parties to seek early disposal of O.P. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these civil revision petitions shall stand closed.

22nd November 2017
Rds

P.NAVEEN RAO,J

