

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.R.P.No.6217 of 2017

ORDER:

This is a revision filed under Article 227 of the Constitution of India by the petitioner in H.M.O.P.No.16 of 2017.

2. Petitioner and Respondent herein are husband and wife respectively. Petitioner filed H.M.O.P.No.16 of 2017 for dissolution of marriage, which took place on 19.3.2014. In the said HMOP, the Respondent wife filed the present I.A.No.23 of 2017 under Section 24 of Hindu Marriage Act, seeking interim maintenance at the rate of Rs.15,000/- per month and Rs.50,000/- towards legal expenses. The said application was resisted by the petitioner herein by filing counter. The learned Senior Civil Judge, Nandikotkur, by way of order under challenge allowed the said application, granting interim maintenance at Rs.10,000/- per month and also granted a sum of Rs.30,000/- towards legal expenses.

3. According to the learned counsel for the petitioner, the order impugned is erroneous, contrary to law and is not in accordance with the object of provisions of Section 24 of the Hindu Marriage Act. It is the further submission of the learned counsel that the Respondent herein did not place any evidence on record with regard to the income of the petitioner herein and as such, the learned Senior Civil Judge grossly erred in granting exorbitant amount of Rs.10,000/- and also Rs.30,000/- towards legal expenses.

4. According to the affidavit filed in support of the present application, the Respondent is staying along with her daughter in her parents house at

Yerraguntla, which is at a distance of 210 k.m. from Nandikotkur. The respondent herein also stated in her affidavit that the petitioner herein is drawing a sum of Rs.1,50,000/- per month and his family is also having property worth Rs.20.00 crores.

5. Though the petitioner herein filed a counter before the Court below, there is no denial with regard to the averment that he is getting a salary of Rs.1,50,000/-. Before this Court, along with the present revision, the salary certificate said to have been issued by the Vellore Institute of Technology (VIT) on 23.10.2017 is filed. Even according to the said salary certificate, the petitioner herein is drawing a gross salary of Rs.62,675/-. The fact remains that the respondent herein is staying in her parents house along with her daughter. Therefore, in the considered opinion of this Court, the order passed by the Court below granting Rs.10,000/- towards interim maintenance and Rs.30,000/- towards legal expenses cannot be faulted.

5. Accordingly, the C.R.P. is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 17.11.2017
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17.11.2017

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