

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3832 of 2016

ORDER:

This Civil Revision Petition is filed, under Article 227 of the Constitution of India, assailing the order, dated 24.05.2016, passed in I.A No.1724 of 2014 in F.C.O.P.No.199 of 2014 on the file of XV Additional District Judge, Ranga Reddy District, Kukatpally at Miyapur.

2. Heard learned counsel for both parties.

3. A perusal of the record reveals that the marriage of the respondent was performed with the petitioner on 19.11.2009 in Hyderabad as per Hindu Rites and caste Customs. Immediately after the marriage, the respondent joined with the petitioner to lead the marital life. Out of lawful wedlock, they were blessed with a son on 26.10.2010. Due to one reason or other, disputes arose between the petitioner and the respondent. The petitioner filed F.C.O.P.No.1199 of 2014 on the file of Judge, Family Court, Ranga Reddy, under Section 13 (1) (a) of the Hindu Marriage Act, 1955 (for short, 'the Act'), against the respondent, for dissolution of marriage. During pendency of the said O.P., the respondent filed I.A.No.1724 of 2014 under Section 24 of the Act seeking maintenance of Rs.20,000/- per month. The trial Court, after affording reasonable opportunity to both parties, allowed the petition by granting maintenance of Rs.10,000/- per month. Hence, the revision.

4. The point of consideration in this revision is whether there is any illegality, irregularity or impropriety in the impugned order.

5. It is an admitted fact that the respondent is wife of the petitioner. The petitioner filed F.C.O.P.No.1199 of 2014 under Section 13 (1) (a) of the Act for dissolution of marriage between them. Out of lawful wedlock, the petitioner and respondent were blessed with a son, who is aged about eight years. The respondent along with her son is residing at her parent's house.

6. Learned counsel for the petitioner strenuously submitted that the respondent has been working as an employee and drawing monthly salary. In order to appreciate the contention of learned counsel for the petitioner, this Court carefully scanned the counter-affidavit filed by the petitioner before the Family Court. There is no mention in the counter that the respondent has been working in any organization. The submission of learned counsel for the petitioner that the petitioner has been working as an employee is not supported by any documentary evidence. In the absence of pleading in the counter-affidavit, much weight cannot be attached to the submission made by learned counsel petitioner. The petitioner has not produced any documentary evidence before the Family Court to establish that the respondent is having any source of income. It is needless to say that there is a moral and legal obligation on the part of the husband to maintain his wife and children. The respondent and her son are residing in Hyderabad city. The respondent has to look after the welfare of her son, who is aged about eight years. The respondent has to pay school fee of her son. The amount of Rs.5,000/- is hardly sufficient for sustenance of an individual in Hyderabad city. The trial Court taking into consideration the financial status of both

parties, granted maintenance of Rs.10,000/- to the respondent and her son.

7. Viewed from any angle, granting compensation of Rs.10,000/- per month to the respondent and her son is not on higher side. The trial Court has assigned reasons, much less cogent and valid reasons while allowing the petition in-part. This Court finds no illegality, irregularity or impropriety in the impugned order, which warrants interference of this Court, while exercising the jurisdiction under Article 227 of the Constitution of India. The Civil Revision Petition lacks merits and *bona fides*.

8. Accordingly, Civil Revision Petition is dismissed. Miscellaneous petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

T.SUNIL CHOWDARY, J

SEPTEMBER 10, 2018

YVL

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY



CIVIL REVISION PETITION No.3832 of 2016

Date:10.09.2018