

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.5196 of 2017

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, challenging the order dated 07.07.2017 passed in I.A.No.1046 of 2016 in F.C.O.P.No.1266 of 2015 on the file of the Judge, Family Court at L.B.Nagar, Ranga Reddy District.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the petitioner herein filed F.C.O.P.No.1266 of 2015 on the file of the Judge, Family Court, Ranga Reddy District at L.B.Nagar, against the respondent for dissolution of marriage. While things stood thus, the respondent filed I.A.No.1046 of 2016 under Section 24 of Hindu Marriage Act seeking maintenance from the petitioner. The trial Court after affording a reasonable opportunity to both parties, allowed the petition by granting maintenance of Rs.5,000/-per month to the respondent. Hence, the revision.

4. There is no dispute between the parties with regard to their relationship. Out of lawful wedlock, the petitioner and respondent were blessed with two daughters and one son. The respondent has been residing separately in view of family disputes. The petitioner herein has taken a specific plea in the counter that the respondent has been working as a sales woman in M/s.Payal Sarees, Secunderabad and earning Rs.7,000/- per month. Mere taking of a plea in the counter that itself would not amount to proof of the same. For one reason or other, the petitioner did not choose to file single scrap of paper to establish the stand taken by him. The trial

Court arrived at a conclusion that minimum 10 to 12 thousand rupees are required for sustenance of an individual in Hyderabad city. After taking into consideration the status of both parties, the trial Court granted maintenance of Rs.5,000/- per month to the respondent. In view of constant hike in price index, an amount of Rs.5,000/- is hardly sufficient for sustenance of an individual in Hyderabad city. It is a matter of common knowledge that one has to spend some amount towards medicines after crossing 50 years. Viewed from any angle, granting of an amount of Rs.5,000/- per month to the respondent is not on higher side. I am fully endorsing with the findings recorded by the trial Court. There is no illegality, irregularity or impropriety in the orders passed by the trial Court warranting interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. There are no merits in the revision petition and the same is liable to be dismissed.

5. In the result, the Civil Revision Petition is dismissed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

23rd July 2018

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