

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

C.R.P.No.2184 of 2018

ORDER:

The Respondent in F.C.O.P.No.120 of 2016 on the file of the Court of IV Additional District Judge-cum-Family Court, Kurnool is the petitioner in the present revision filed under Article 227 of the Constitution of India.

2. This Revision challenges the order dated 7.11.2017 passed by the said Court in I.A.No.174 of 2017 filed by the Respondent herein under Section 24 of Hindu Marriage Act seeking interim maintenance.

3. Heard the learned counsel for petitioner and perused the material available before this court.

4. The petitioner herein is the husband of the respondent herein and the petitioner filed F.C.O.P.No.120 of 2016, seeking dissolution of the marriage. In the said FCOP No.120 of 2016, the Respondent herein filed the present I.A.No.174 of 2017 seeking maintenance at the rate of Rs.10,000/- per month and Rs.20,000/- towards litigation expenses. The petitioner herein filed counter opposing the said application. The learned District Judge by way of order under challenge, granted interim monthly maintenance of Rs.5,000/- and Rs.5,000/- towards litigation expenses.

5. According to the learned counsel for petitioner, the order passed by the learned Judge is highly erroneous, contrary to law and opposed to the very spirit and object of the provisions of Section 24 of Hindu Marriage Act. It is further contended by the learned counsel that the amount granted by the Court below is exorbitant and the learned Judge failed to take into consideration the material available on record.

6. In the instant case, there is absolutely no dispute with regard to the relationship between the petitioner and the respondent and even as per the petitioner, he gets salary of Rs.19,700/- per month after deductions. The parties to the litigation did not file any documents before the Court below. The learned District Judge took into consideration the absence of proof of illness of the mother of the petitioner herein and the borrowal of amounts from friends and relatives for the marriage of petitioner's younger sister. The learned District Judge, obviously taking into consideration the cost of living and the minimum requirements, granted a sum of Rs.5,000/- per month towards maintenance and also Rs.5,000/- towards litigation expenses. It is also clear from a reading of the impugned order, that the learned Judge assigned cogent and convincing reasons for awarding such sums of money.

7. It is a settled and well established principle of law that unless the order impugned suffers from perversity and jurisdictional error, the invocation of jurisdiction of this Court under Article 227 of the Constitution of India is impermissible and this Court does not find any jurisdictional error or any perversity in the questioned order.

8. For the aforesaid reasons, 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.

Date: 22.6.2018
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A.V.SESHA SAI, J

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22.6.2018

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