

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Revision Petition No.85 of 2017

ORDER:

Heard Sri M. Karibasaiah, learned counsel for the petitioner.

2. In fact, this Court on 5.1.2017 directed 'Notice Before Admission' through Registered Post with Acknowledgment due and file proof of service, and also directed the Registry to list the matter on 20.01.2017. Surprisingly, Registry listed the matter today, more than a year thereafter.

3. Learned counsel for the petitioner would submit that though, sent notice to the respondent, but acknowledgement was not yet received, and he has got postal receipt.

4. Now, the short question, that arises for consideration is whether an amount of Rs.5,000/- granted by the Court below towards interim maintenance in an application seeking divorce filed by the respondent herein on the file of the Judge, Family Court-cum-Additional District Judge, Anantapur, is excessive, and whether the petitioner is really unable to comply the order?

5. Learned counsel, in fact, would submit that the petitioner is dependent on his father and the father of the petitioner is a retired teacher, and the petitioner owns agricultural field and he has no means to pay Rs.5,000/- towards interim maintenance granted by the Family Court. In fact, the respondent-wife sought Rs.10,000/- per month to sustain herself, besides Rs.20,000/- towards litigation expenses but only Rs.3,000/- is directed to be paid towards litigation expenses.

Thus, the very approach of the learned trial Judge is slightly conservative in awarding maintenance of Rs.5,000/- per month to the respondent-wife. By any rate, the amount of Rs.5,000/- per month towards interim maintenance cannot be construed as excessive when kept in view the present day cost of living conditions. The question, whether he is dependent on his father has no nexus in complying the order passed by the Court.

6. There is no merit in the present Civil Revision Petition, and, accordingly, the same is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Revision shall stand closed.

A. SHANKAR NARAYANA,J

Dt. 20.03.2018

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