

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

F.C.A. No. 231 of 2018

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This appeal is preferred against the order dated 17.01.2018 in O.P.No. 1139 of 2014 passed by the Principal Judge, Family Court, Hyderabad, whereby the Original Petition filed by the respondent –wife under Section 13(1)(ia) of the Hindu Marriage Act, has been partly allowed dissolving the marriage between the parties and directed the appellant to pay a sum of Rs.15.00 lakhs to the respondent towards permanent alimony.

The learned counsel for the appellant submits that there is no dispute about the dissolution of the marriage of the appellant and the respondent solemnized on 27.04.2011, however the appellant has preferred the present appeal seeking to set aside the order of the trial Court to the extent of permanent alimony.

It is not in dispute that in cross-examination, the appellant admitted that he was working as Senior Infrastructure Engineer in Mphasis company. However, he deposed that presently he is not working anywhere. We note, as per the salary certificate for the month of February, 2011 filed by the appellant, he was drawing salary of Rs.30,917/-

and net salary of Rs.29,517/- . For the month of December, 2012, he was shown to be drawing salary of Rs.39,130/- and net salary of Rs.37,566/- . He also filed Exs.R1 and R2 showing that he tendered resignation and the same were accepted by his employers i.e. Mphasis and Polaris companies respectively.

The learned trial Court has observed that the reasons for resignation are not mentioned in the documents. It is further observed that after such resignation, the appellant must have got some job owing to his qualifications and experience.

Admittedly, the appellant is a healthy person, well-qualified and worked in two companies, therefore, he cannot sit idle, however he has not produced any document showing that he is presently employed. Therefore, the grant of permanent alimony of Rs.15.00 lakhs to the respondent is not on higher side. Hence, we find no ground to interfere with the well-reasoned order dated 17.01.2018 passed by the trial Court.

The Family Court Appeal is devoid of merit, and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

21.06.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J