

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.4636 of 2018

ORDER:

This Revision is filed challenging the order dt.06-04-2018 in I.A.Nos.1 and 2 of 2018 in O.P.No.47 of 2016 of the Judge, Family Court-cum-III Additional District Judge, Warangal.

2. Petitioner is husband of the respondent. He has filed an application seeking divorce from the respondent, which is O.P.No.47 of 2016.

3. Pending the said O.P., the respondent filed I.A.No.1 of 2018 seeking interim maintenance of Rs.1,00,000/- p.m. and I.A.No.2 of 2018 seeking litigation expenses of Rs.30,000/-.

4. It is the contention of the respondent in the said applications that petitioner is employed as an Application Support Manager at Bank of Sohar, Oman, that he is a resident of Muscat and that he is drawing Rs.5,00,000/- p.m.

5. The petitioner filed a counter through his father contending that petitioner is residing at Muscat for his employment, but the respondent is working as B.A.M.S. Doctor at Yashoda Hospital and getting monthly salary of about Rs.40,000/-. It is also alleged that the father of respondent is working in RMS, Kazipet.

6. Though it is denied that petitioner is working as an Application Support Manager at Bank of Sohar, Oman and drawing Rs.5,00,000/- p.m. and it is alleged that he is only working as temporary employee at Business Outsourcing Centre at Oman, no material in support of the said plea was filed before the Court below. Also, no material was filed by petitioner to show that respondent was employed as Duty Doctor at Yashoda Hospital, Secunderabad and getting a salary of Rs.40,000/- p.m.

7. By order dt.06-04-2018, the Court below awarded Rs.25,000/- p.m. towards interim maintenance and Rs.25,000/- towards litigation expenses.

8. Assailing the same, this Revision is filed.

9. It is the contention of the learned counsel for petitioner that the monthly interim maintenance granted to the respondent is very high and that the petitioner would not be in a position to meet the said liability. Therefore, learned counsel for petitioner sought a reduction of both interim maintenance as well as amount awarded towards litigation expenses by the Court below to the respondent.

10. The income which the petitioner is drawing in his employment in Oman would not be known to the respondent, but the factum of employment is not disputed. The petitioner would be getting a pay slip or deposit of salary in his bank account. But he has deliberately suppressed the best evidence available in his possession and trying to

throw the burden of proof on respondent to prove his monthly income in the employment, which the petitioner had secured abroad.

11. In the facts and circumstances of the case, since the petitioner has suppressed evidence about his monthly remuneration, an adverse inference has to be drawn against him that if such evidence is produced, it would support the contention of respondent. In the absence of petitioner adducing any evidence to show that respondent is gainfully employed, the respondent cannot be said to be disentitled to get either interim maintenance or amount towards litigation expenses.

12. Therefore, I do not find any error of jurisdiction in the order passed by the Court below in granting Rs.25,000/- p.m. towards interim maintenance and Rs.25,000/- towards litigation expenses to the respondent. The petitioner is directed to comply with the said direction forthwith.

13. For the aforesaid reasons, this Civil Revision Petition is dismissed at the stage of admission. No costs.

14. Consequently, miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

Date : 21-12-2018
Vsv