

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3453 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 14.03.2018 passed in I.A.No.582 of 2017 in F.C.O.P.No.1160 of 2014 on the file of the Principal Judge, Family Court, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. A perusal of the record reveals that the petitioner herein filed F.C.O.P.No.1160 of 2014, under Section 13(1)(ia) of the Hindu Marriage Act, on the file of the Judge, Family Court, City Civil Court at Hyderabad, against the first respondent for dissolution of marriage between them. The record further reveals that out of lawful wedlock, the petitioner and first respondent were blessed with one daughter i.e., the second respondent. During pendency of the matter, the respondents filed I.A.No.582 of 2017 in F.C.O.P.No.1160 of 2014, under Section 24 of the Hindu Marriage Act, seeking interim maintenance of Rs.15,000/- per month each. The petitioner filed a counter opposing the claim of the respondents. The trial Court, after considering the material available on record, allowed the petition in part by granting interim maintenance of Rs.5,000/- per month to the first respondent and Rs.3,000/- per month to the second respondent.

4. At the time of arguments, the learned counsel for the petitioner submitted that the trial Court allowed I.A.No.582 of

2017 after posting F.C.O.P.NO.1160 of 2014 'for judgment' on 17.05.2018. The petitioner is also taken a same plea in paragraph No.4 of the stay affidavit. In order to appreciate the contention of the learned counsel for the petitioner, this Court is carefully perused the trial Court record. Learned counsel for both parties submitted that main F.C.O.P.No.1160 of 2014 was posted 'for judgment' on 17.05.2018. A perusal of the record reveals that I.A.No.582 of 2017 in F.C.O.P.No.1160 of 2014 was allowed on 14.03.2018. This clearly indicates that the trial Court allowed I.A.No.582 of 2017 in F.C.O.P.No.1160 of 2014 filed under Section 24 of the Hindu Marriage Act much prior to reserving the matter 'for judgment'. The submissions made by the learned counsel for the petitioner is factually incorrect.

5. There is no much dispute between the parties with regard to their relationship. Respondent Nos.1 and 2 filed I.A.No.582 of 2017 seeking maintenance of Rs.15,000/- each per month. The respondents are residing in Malakpet, Hyderabad. The second respondent is aged about five years. It is a known fact that the cost of living in Hyderabad is very high. The first respondent has to admit the second respondent in a school. An amount of Rs.8,000/- per month is hardly sufficient for sustenance of two individuals, more particularly, in Hyderabad city. The trial Court considered the pathetic condition of the respondents and granted maintenance of Rs.8,000/- per month.

6. Viewed from any angle, this Court is of the considered view that the amount of maintenance granted by the trial Court is not on higher side. I am fully endorsing the findings recorded by the

trial Court. There is no illegality, irregularity or impropriety in the order of the trial Court, which warrants interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

7. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.06.2018

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