

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

C.R.P.No.3528 of 2018

ORDER:

Heard the learned counsel for the petitioner and perused the material available before the Court.

2. An order passed by the learned Principal Senior Civil Judge, Kurnool in I.A.No.68 of 2018 in H.M.O.P.No.35 of 2012 dated 23.4.2018 is under challenge in the present Civil Revision Petition.

3. Pending H.M.O.P.No.35 of 2012, the Respondent herein filed I.A.No.68 of 2018 under Section 24 of Hindu Marriage Act for grant of maintenance @ Rs.20,000/- per month to the petitioner and Rs.10,000/- per month to her daughter from the date of filing of petition and also Rs.20,000/- towards legal expenses. The said application was resisted by the petitioner herein by way of filing counter. The learned Principal Senior Civil Judge by way of order dated 23.4.2018, partly allowed the said application, granting a sum of Rs.10,000/- per month to the daughter towards her maintenance, while dismissing the application in respect of the wife of the petitioner herein. The said order is under challenge in the present C.R.P.

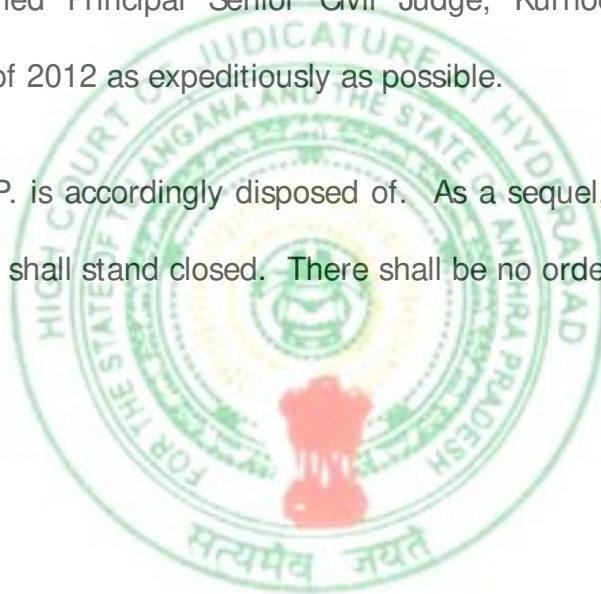
4. According to the learned counsel for the petitioner, the order impugned is erroneous, contrary to law and cannot be sustained. It is further submitted by the learned counsel that the Court below failed to appreciate that the wife of the petitioner herein lodged criminal prosecution vide F.I.R.No.63 of 2014 on the file of Eluru Women Police Station and the same was stayed by this Court in Crl.P.No.14731 of 2014. It is also the submission of the learned counsel that the maintenance granted is highly exorbitant.

5. A perusal of the material available on record discloses that both the petitioner and respondent are Doctors by profession and even according to the petitioner herein, he is presently working as duty Doctor at Kamalakar Hospital, Rajahmundry and drawing monthly salary of Rs.28,800/-. A perusal of the impugned order discloses that the learned Judge granted a sum of Rs.10,000/- per month to the daughter while rejecting the claim of the wife for maintenance. In the considered opinion of this Court, the said amount, in the present days cannot be termed as exorbitant amount. However, since the present H.M.O.P. is of the year 2012, this Court deems it appropriate to direct the learned Principal Senior Civil Judge, Kurnool to dispose of H.M.O.P.No.35 of 2012 as expeditiously as possible.

6. The C.R.P. is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 13.7.2018
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A.V.SESHA SAI, J



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