

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
CIVIL REVISION PETITION Nos.1580 AND 3800 OF 2018

COMMON ORDER:

These Civil Revision Petitions are filed under Article 227 of the Constitution of India, aggrieved by the order dated 03.01.2018 passed in I.A. No.717 of 2017 in O.P. No.99 of 2017 on the file of the Family Court-cum-Additional District and Sessions Judge, Nizamabad (for short, 'the Court below'), wherein the Court below awarded interim maintenance of Rs.6,000/- and Rs.4,000/- per month in favour of the petitioner therein and her minor son-G.Vijayendar respectively, payable by the respondent therein-husband on or before 5th of every succeeding month from the date of the said order. C.R.P. No.1580 of 2018 is filed by the husband praying to set aside the order maintenance granted by the Court below, whereas, C.R.P. No.3800 of 2018 is filed by the wife to enhance the maintenance.

2. Heard both sides and perused the material on record.
3. For the sake of convenience, the parties are hereinafter referred to as arrayed before the Court below.
4. The petitioner-wife filed I.A. No.717 of 2017 in O.P. No.99 of 2017 for grant of interim maintenance to her and to her minor son, stating that she is a housewife and she has no source of income. The respondent-husband is an advocate and he has sufficient means to maintain them. Her son is studying in Sri Chaitanya Techno School. Her father paid Rs.1,20,000/- towards school fee for two years. The respondent-husband filed O.P. No.24 of 2017 on the file of the Family Court, Hyderabad, for custody of their minor son; and the petitioner-wife and her son were granted interim maintenance of Rs.1,500/- and Rs.500/- per month respectively. It is brought to the notice of the Court that the said maintenance has not been paid. The respondent-husband filed counter admitting his relationship with the petitioner-wife.

5. Admittedly, the son of the parties is studying in Sri Chaitanya Techno School. As per the submissions made on behalf of the petitioner-wife, her son's school fee for two years is Rs.1,20,000/-. While dealing with the subject matter of the application, the Court below was pleased to grant an amount of Rs.6,000/- per month to the petitioner-wife and Rs.4,000/- per month to her minor son respectively. There is record to show the payment of school fee under Exs.B.1 to B.9 as contended and her minor son is prosecuting studies in Sri Chaitanya Techno School. Considering the totality of circumstances of the case, the Court below had rightly granted maintenance in favour of the petitioner-wife and her son. It is not appropriate to express any opinion with regard to the merits of the main case. The Court below had assigned valid reasons in awarding said maintenance. Therefore, there is nothing to take a different view. Both the Civil Revision Petitions are devoid of merit and they are liable to be dismissed.

6. Accordingly, both the Civil Revision Petitions are dismissed. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Date: 27.07.2018
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Dr. SHAMEEM AKTHER, J