

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4287 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 22.06.2018 passed in I.A.No.332 of 2017 in O.P.No.393 of 2016 on the file of the Additional Family Court at Hyderabad

2. Heard the learned counsel for the petitioner.

3. A perusal of the record reveals that the respondent filed O.P.No.393 of 2016 on the file of the Additional Family Court, City Civil Court at Hyderabad, under Sections 13(1)(ia) and 26 read with Rule 6 of the Hindu Marriage Act, against the petitioner. During pendency of the O.P., the respondent filed I.A.No.332 of 2017, under Section 24 of Hindu Marriage Act, seeking maintenance of Rs.15,000/- per month to herself and her daughter and Rs.5,000/- towards legal expenses. The petitioner filed counter opposing the claim of the respondent. The Additional Family Court, after affording a reasonable opportunity to both parties, allowed the petition. Hence, the revision.

4. Out of lawful wedlock, the petitioner and respondent were blessed with a daughter, who is studying X Class. For one reason or other, bad weather prevailed in the family life of petitioner and respondent; therefore, the respondent has been residing separately along with her daughter. It is an admitted fact that the respondent has been working as a Manager in Synchrony International Services Private Limited Company, Hyderabad. A perusal of pay

slip reveals that the petitioner is getting a gross salary of Rs.48,016.98 ps. and net salary of Rs.32,715/-. While deciding the petitions of this nature, the Court has to consider the financial status of both parties. The Court has to take into consideration the educational expenses of the children. The petitioner has taken a specific plea in the counter that the respondent has been working as a Teacher in St.Anthonys High School, Hyderabad. Mere taking of a plea would not amount to proof of the same. For one reason or other, the petitioner did not produce any document to substantiate his stand. Except the averment in the counter, there is no other evidence much less cogent and convincing evidence to establish that the respondent has been working as a Teacher.

5. It is a matter of common knowledge that the cost of living is increasing day by day due to various reasons. The respondent has to look after the welfare of her daughter, who is studying X Class. The Family Court taking into consideration the social and financial status of both parties, granted maintenance of Rs.15,000/- per month to the respondent and her daughter. The Family Court, after taking into consideration the salary of the petitioner, allowed the petition. I am fully endorsing with the findings recorded by the Family Court. There is no illegality, irregularity or impropriety in the order of the Family Court warranting interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India.

6. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.07.2018
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